Laws, Resolutions and Memorials

OF THE

STATE OF MONTANA

PASSED BY THE

Twenty-first Legislative Assembly
In Regular Session

Held at Helena, the Seat of Government of Said State,
Commencing January 7th, 1929, and
Ending March 7th, 1929

With Appendix of Constitutional Amendments, Initiative and Referendum Measures Voted upon by the People at the General Election held November 6th, 1928

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CERTIFICATE OF AUTHENTICATION

State of Montana
Department of } ss.
Secretary of State

I, W. E. Harmon, Secretary of State of the State of Montana, do hereby certify that the printed laws, resolutions and memorials contained herein are true and correct copies of all the enrolled laws, resolutions, memorials and appropriations that were passed at the Twenty-first Regular Session of the Legislative Assembly of the State of Montana, held at Helena, the seat of Government of said State, commencing January 7th, 1929, and concluding March 7th, 1929, and, in addition, true and correct copies of all Constitutional Amendments and Initiative measures adopted by the people of Montana at the General Election, held November 6th, 1928.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Montana, at Helena, the Seat of Government, this 1st day of May, A. D. 1929.

Great Seal
of the State
of Montana

W. E. Harmon

Secretary of State.

OFFICERS AND MEMBERS

OF THE

21st Legislative Assembly of the State of Montana

Governor, J. E. ERICKSON

Lieutenant Governor and President of the Senate, F. A. HAZELBAKER

Speaker of the House, R. C. BRICKER

STATE SENATORS

NAME	Residence	County	Politics
Baker, Dr. Arthur A.	Glendive	Dawson	Republican
*Bergstrom, Theo.	Willard	Fallon	Democrat
*Campbell, John L.	Missoula	Missoula	Republican
*Campbell, John S.	Reed Point	Stillwater	Democrat
Church, W. R.	Helena	Lewis & Clark	Democrat
*Cooper, George R.	DeBorgia	Mineral	Republican
Cowan, Wm. T.	Box Elder	Hill	Republican
Crawford, James	Circle	McCone	Republican
Delaney, F. W.	Terry	Prairie	Democrat
*Donovan, L. P.	Shelby	Toole	Democrat
*Dowlin, Chas. M.	Forsyth	Rosebud	Republican
*Duncan, M. M.	Virginia City	Madison	Democrat
*Eaton, Ernest T.	Polytechnic	Yellowstone	Republican
*Garber, John D.	Plains	Sanders	Democrat
*Goodman, E. H.	Townsend	Broadwater	Democrat
Gilboe, Christian F.	Valier	Pondera	Republican
Gustafson, Geo.	Chinook	Blaine	Republican
Hagerty, Dan F.	Browning	Glacier	Democrat
Harris, Orville	White Sul. Spgs.	Meagher	Republican
Higbie, D. V.	Big Timber	Sweet Grass	Republican
Holt, S. A.	Broadus	Powder River	Republican
Holton, Albert	Cohagen	Garfield	Republican
*Joffray, E. N.	Clancy	Jefferson	Democrat
*Johnson, Albert	Denton	Fergus	Republican
*Kane, Thomas	Corvallis	Ravalli	Republican
Keeley, William E.	Deer Lodge	Powell	Republican
*Kemmis, Walter D.	Sidney	Richland	Republican
*Kennedy, John D.	Philipsburg	Granite	Republican
*Larson, T. O.	Choteau	Teton	Republican
McCleary, Frank	Red Lodge	Carbon	Democrat
McCormick, F. T.	Roundup	Musselshell	Republican
*McQuitty, I. S.	Harlowton	Wheatland	Democrat
*Mears, John L.	Geyser	Judith Basin	Republican
Parkin, E. J.	Bozeman	Gallatin	Republican
*Pauline, Robert	Kalispell	Flathead	Republican
Plank, Leonard	Chester	Liberty	Democrat
*Pomeroy, H. G.	Eureka	Lincoln	Republican
*Porter, S. H.	Big Sandy	Chouteau	Democrat
Richardson, Ervin A.	Lodge Grass	Big Horn	Republican
*Ruffcorn, William M.	Baylor	Valley	Republican
Schnitzler, J. W.	Froid	Roosevelt	Republican
*Sibbert, Henry N.	Winnett	Petroleum	Republican
Shelver, Harry	Livingston	Park	Republican
Smith, Pearl I.	Dillon	Beaverhead	Republican
Smith, H. C.	Miles City	Custer	Republican
Sparling, James T.	Flaxville	Daniels	Democrat
*Staggs, W. L.	Wibaux	Wibaux	Republican
Stewart, T. P.	Anaconda	Deer Lodge	Republican
Stoutenburg, H. W.	Hysham	Treasure	Republican
Survant, John	Malta	Phillips	Republican
*Taylor, Charles E.	Plentywood	Sheridan	Far. Labor
Thien, Henry	Ryegate	Golden Valley	Republican
Tower, Ralph R.	Polson	Lake	Republican
*Walker, T. J.	Butte	Silver Bow	Democrat
*Wheeler, Leon L.	Ekalaka	Carter	Republican
*Wuerthner, Julius J.	Great Falls	Cascade	Republican

*Holdover, Elected in 1926.

FRANK CONE, Secretary.

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House of Representatives

NAME	Residence	County	Politics
Angvick, Lars.	Reserve	Sheridan	Republican
Anderson, A. G.	Boyd	Carbon	Republican
Arnold, S. C.	Broadview	Stillwater	Republican
Arnold, John	Birney	Rosebud	Democrat
Ballard, W. T.	Butte	Silver Bow	Democrat
Barry, George	Butte	Silver Bow	Democrat
Benjamin, H. E.	Shelby	Toole	Democrat
Bonine, George J.	Havre	Hill	Democrat
Besancon, Albert	Missoula	Missoula	Democrat
Bretzke, Lou E.	Lustre	Valley	Republican
Bricker, R. C.	Windham	Judith Basin	Republican
Brown, Fred M.	Bozeman	Gallatin	Republican
Brown, W. A.	Great Falls	Cascade	Democrat
Buck, Harry H.	Kalispell	Flathead	Republican
Budas, Albert	Roberts	Carbon	Republican
Burrell, Clyde E.	Baker	Fallon	Republican
Chapman, D. W.	Peerless	Daniels	Democrat
Chatham, James	Butte	Silver Bow	Democrat
Clausen, C. C.	Livingston	Park	Republican
Cooney, Byron E.	Butte	Silver Bow	Democrat
Curran, Lucy	Poplar	Roosevelt	Republican
Darlinton, G. W.	Bozeman	Gallatin	Republican
Dean, Guy	Plains	Sanders	Republican
Dellwo, Dennis A.	Charlo	Lake	Democrat
Doran, Tod	Butte	Silver Bow	Democrat
Dougherty, Ralph	Grantsdale	Ravalli	Republican
Dunn, R. J.	Bozeman	Gallatin	Republican
Ekegren, E. P.	Harlem	Blaine	Republican
English, M. J.	Butte	Silver Bow	Democrat
English, Gus	Anaconda	Deer Lodge	Republican
Erickson, L. N.	Lavina	Golden Valley	Republican
Fairgrieve, Alex	Washoe	Carbon	Republican
Flachsenhar, W. R.	Terry	Prairie	Republican
Freed, Elden	Winnett	Petroleum	Democrat
Fulsher, Dr. Fred R.	Superior	Mineral	Democrat
Goodwin, Phil C.	Butte	Silver Bow	Democrat
Gordon, Geo. D.	Fort Benton	Chouteau	Democrat
Green, Henry R.	Lindsay	Dawson	Republican
George, W. H.	Great Falls	Cascade	Republican
Hagestad, Ray M.	Wolf Point	McCone	Republican
Hanley, J. W.	Lewistown	Fergus	Republican
Henderson, M. R.	Hall	Granite	Republican
Hodgskiss, J. E.	Choteau	Teton	Republican
Jameson, W. J., Jr.	Billings	Yellowstone	Republican
Jensen, S. R.	Great Falls	Cascade	Democrat
Jones, Dudley	Dodson	Phillips	Republican
Johnson, Elmer	Glasgow	Valley	Republican
Jergensen, Jas. A.	Whitehall	Jefferson	Republican
Kinville, Samuel A.	Butte	Silver Bow	Democrat
Knight, J. B. C.	Anaconda	Deer Lodge	Republican
Kruse, Albert H.	Brusett	Garfield	Republican
Leavens, Robert	Billings	Yellowstone	Republican
Leavitt, W. B.	Miles City	Custer	Republican
Lewis, D. J.	Sioux Pass	Richland	Republican
Lillis, B. C.	Billings	Yellowstone	Republican
Logan, E. U.	Billings	Yellowstone	Republican
Lucas, John W.	Ringling	Meagher	Republican
MacRae, Charles	Woodside	Ravalli	Republican
Mason, George P.	Helena	Lewis and Clark	Democrat
Manning, Seth	Wibaux	Wibaux	Republican
Marshall, M. R.	Missoula	Missoula	Republican
Metlen, Joe	Armstead	Beaverhead	Democrat
Merritt, Clarence	Roundup	Musselshell	Republican
Minette, Dr. C. H.	Cut Bank	Glacier	Democrat
Monaghan, Joseph P.	Butte	Silver Bow	Democrat
Miller, Timothy	Libby	Lincoln	Democrat
Miller, N. O.	Roy	Fergus	Republican
Moss, G. M.	Whitefish	Flathead	Republican
Moulton, B. F.	Grass Range	Fergus	Republican
Murphy, C. F.	Anaconda	Deer Lodge	Democrat
Nagle, Raymond T.	Helena	Lewis and Clark	Democrat
Nelson, Ben	Malta	Phillips	Republican
Nelstead, T. E.	Ekalaka	Carter	Republican
Nicholson, Stuart H.	McLeod	Sweet Grass	Democrat
O'Day, R. S.	Great Falls	Cascade	Democrat
Parker, Neil C.	Creston	Flathead	Republican
Pauly, Sylvan J.	Deer Lodge	Powell	Republican

HeinOnline -- 1929 vi 1929

HOUSE OF REPRESENTATIVES—(Continued)

NAME	Residence	County	Politics
Purnell, S. J.	Kalispell	Flathead	Republican
Reed, Grant	Townsend	Broadwater	Republican
Renwick, W. C.	Billings	Yellowstone	Republican
Rigg, Peter M.	Hingham	Hill	Republican
Roll, Fritz	Great Falls	Cascade	Republican
Rolph, Herbert D.	Joplin	Liberty	Democrat
Ross, Thos. A.	Chinook	Blaine	Republican
Ryder, Arthur	Froid	Roosevelt	Republican
Sample, Harry A.	Glendive	Dawson	Republican
Sheffer, J. C.	Sanders	Treasure	Republican
Shepard, George R.	Missoula	Missoula	Republican
Simpson, Charles M.	Volborg	Custer	Republican
Salyerds, D. C.	Lewistown	Fergus	Republican
Steeves, M. D.	Livingston	Park	Republican
Sullivan, Henry	Walkerville	Silver Bow	Democrat
Thorburn, W. B.	Harlowton	Wheatland	Republican
Tinsley, B.	Pony	Madison	Democrat
Ueland, Andrew	Outlook	Sheridan	Republican
Warren, W. E.	Hardin	Big Horn	Republican
Waite, W. T.	Broadus	Powder River	Republican
Willard, Dr. Asa	Missoula	Missoula	Republican
Willis, Sid	Great Falls	Cascade	Democrat
Wickware, M. C.	Valier	Pondera	Republican
Wilson, Cecil V.	Helena	Lewis and Clark	Republican
Woodcock, John W.	Shonkin	Chouteau	Democrat

H. J. FAUST, Chief Clerk.

CONTENTS

Chap.	Senate Bill	House Bill	Title	Page
1		7	An Act to amend Section 1294 of the Revised Codes of Montana, 1921, as the same was amended by Chapter 126 of the Session Laws of the Eighteenth Legislative Assembly of the State of Montana Respecting the Requirement of District and High School Boards of Trustees in the Appointment of a Superintendent.	1
2		19	An Act to Amend Section 4805 of the Revised Codes of Montana of 1921 Relating to Duties of County Clerk and Recorder on Receipt of Instrument to be Recorded, and Providing for Additional Information in Connection Therewith.	2
3		27	An Act to Amend Section 1916 of the Revised Codes of the State of Montana of 1921, as Amended by Chapter 70 of the 1925 Session Laws, Authorizing the Redemption of Certain Bonds held by the State before the Dates on which the same become Optional or Redeemable According to the Terms and Conditions Thereof	2
4		31	An Act to Amend Section 439 of the Revised Codes of Montana of 1921, as Amended by Chapter 124 of the Session Laws of 1925, Providing for Salaries of Janitors, Watchmen and Engineers at the State Capitol, and Providing for the Salary of a Carpenter Employed at the State Capitol.	3
5		43	An Act Amending Section 3186 of the Revised Codes of Montana, 1921, as Amended by Section 1 of Chapter 91 of the Laws Enacted by the Twentieth Legislative Assembly of the State of Montana, to Exclude therefrom the Drug Mariahuana (Cannabis Indica).	4
6		44	An Act to Regulate the Production, Use, Sale, Dispensing and Possession of Mariahuana (Also Known as Cannabis Indica, Cannabis Sativa and Indian Hemp), or any Derivative, Mixture or preparation thereof, Providing Penalties for the Violation of the Provisions hereof, and Repealing all Acts and Parts of Acts in Conflict herewith.	5
7	16		An Act to Amend Section 6521 Revised Codes of Montana, 1921, Concerning Regulations Affecting Railroad Corporations Operating within the State of Montana.	7
8	13		An Act to Amend Section 352 of the Revised Codes of Montana of 1921, as Amended by Section 5 of Chapter 40 of the Session Laws of the Eighteenth Legislative Assembly and Section 361 of the Revised Codes of Montana 1921, as Amended by Section 11, Chapter 40 of the Session Laws of the Eighteenth Legislative Assembly, Relating to Hail Insurance, Providing for the Payment of Losses and Fixing the Amount that may be Levied for the Reserve Fund.	8
9	18		An Act to Authorize the Issuance of Free Transportation by Common Carriers of Passengers to Furloughed Employees and their Families, to disabled or infirm employees, to the Families of Disabled or Infirm Employees, to the Widows and Minor Children of Employees who were Killed or Died in the Service of such Common Carriers, to Witnesses, for Remains of Persons	

Chap.	Senate Bill	House Bill	Title	Page
			who Died in Service and to Ex-employees Traveling for Purpose of Entering Service of a Common Carrier.	11
10		38	An Act to Amend Section 4482 of the Revised Codes of Montana of 1921 Relating to Contracts for Public Printing, Fixing the Prices therefor, and Providing a Penalty for Violation of this Act.	12
11		2	An Act to Amend Section 1674 of the Revised Codes of Montana of 1921 and Providing for Abolition of Special Road Districts.	19
12		14	An Act to Amend Section 5244 of the Revised Codes of Montana, 1921, Providing for the Construction of Sidewalks and Curbs without Formation of Special Improvement District by Allowing Engineering Construction to be Included in the Cost of the Work.	20
13		39	An Act to Amend Section 5306 of the Revised Codes of Montana, 1921, Providing for the Discontinuance of Streets or Alleys by the City or Town Council.	22
14		60	An Act to Amend Section 3307 of the Revised Codes of Montana of 1921, Relating to Fees for Recording and Re-recording Marks and Brands and for Certificates or Certified Copies of such Records.	22
15		46	An Act to Amend Section 1 of an Act to Amend and Re-enact Section 7173 of the Revised Codes of Montana of 1921, as Amended by Section 3 of Chapter 157, of the Session Laws of the Eighteenth Legislative Assembly, and as Amended and Re-enacted in Chapter 116, of the Session Laws of the Twentieth Legislative Assembly, Relating to Irrigation Districts, Salary of Commissioners, Penalty for Interest in Contract and Bonds of Commissioners.	23
16	14		An Act to Amend Section 1 of Chapter 100 of the Session Laws of the Twentieth Legislative Assembly of 1927, Defining the Qualifications of Police Officers in the Cities and Towns of the State of Montana, and Repealing all Acts and Parts of Acts in Conflict therewith.	24
17	25		An Act Concerning Aeronautics and to Provide for the Regulation and Licensing of Aircraft and Airmen and Providing Penalties for Violation thereof.	25
18	33		An Act to Amend Section 6903 of the Revised Codes of Montana of 1921, Relating to the Recovery of Damages and Attorney Fees in Actions to Obtain a Release of an Oil and Gas Lease which has become Forfeited.	27
19	42		An Act to Amend Section 9799 of the Revised Codes of Montana of 1921, as Amended by Chapter 69 of the Laws of the 19th Legislative Assembly Relating to the Allowance of Attorney Fees on Foreclosure of Liens.	28
20	4		An Act Amending Sections 8366 and 8367 of the Revised Codes of Montana, 1921, Relating to Liens of Threshermen and Owners of Combined Harvesters and Threshers upon Grains or Crops and Claims for such Lien, when, where and how Filed and the Service of Notice.	29
21	11		An Act Amending Chapter 102 of the Session Laws, Twentieth Legislative Assembly of the State of Montana, Relating to the Office of County Surveyor of All Counties having a Total Registered Vote of 15,000 or Over at the Last General Election, and Defining the Powers and Duties of County Surveyor, and Abolishing the Office of Road Supervisor in Said Counties.	30

HeinOnline -- 1929 x 1929

Chap.	Senate Bill	House Bill	Title	Page
22	12		An Act to Amend Section 135 of the Revised Codes of 1921, Relating to the Distribution of House and Senate Journals and Session Laws.	32
23		Sub. for H. B. 53	An Act Relating to the Hours of Fishing in Georgetown Lake Situated in Deer Lodge and Granite Counties, State of Montana, Making a Violation of this Act a Misdemeanor and Providing for a Penalty for a Violation thereof.	33
24		Sub. for H. B. 54	An Act Relating to Special Improvement Districts in Cities and Towns; Authorizing the Creation, Maintenance and Use of a Special Improvement District Revolving Fund in Any City or Town for the Purpose of Securing Prompt Payment of Special Improvement District Bonds and Warrants and Interest thereon, and Requiring Levy of Taxes when Necessary for the Financial Requirements of such Fund.	34
25		Sub. for 67 & 78	An Act to Amend Section 545 of the Revised Codes of Montana, Relating to the Establishment of Election Precincts.	37
26	32		An Act to Amend Section 5265 of the Revised Codes of Montana of 1921, as Amended by Chapter 143 of the Session Laws of the Twentieth Legislative Assembly of 1927, Relating to the Creation and Financing of Special Improvement Districts for Lighting Streets in Cities and Towns.	38
27	47		An Act Providing for the Storage of Grain on Farms, on or Near Railroad Right-of-ways and other Suitable Places, Making Provision Regulating said Storage, Providing for the Issuance of Negotiable Warehouse Receipts on Grain Stored therein, Providing for the Supervision and Regulation of said Storage, Delegating Authority under the Provisions of the Act and Providing for General Regulations and Funds to Carry Out the Provisions of this Act, and Providing Penalties for Violations of this Act, and Repealing Chapter 59 of the Laws of 1923 of the State of Montana and all Other Acts or Parts of Acts in Conflict with the Provisions of this Act.	39
28	65		An Act to Amend Section 65 of Chapter 60 of the Session Laws of 1927, Relating to Mineral Reservation in State Lands.	46
29		4	An Act to Amend Section 1276 of the Revised Codes of Montana of 1921, Relating to the Issuance of County Bonds for the Erection or Purchase of Buildings for High School Purposes and the Equipment Thereof, or for Other High School Buildings, Purchasing of Sites and Providing the Limitation and Procedure and Submitting such Question to the Electors of the County.	47
30		11	An Act Providing for the Construction and Furnishing of a Suitable Montana Historical Library Building as an Adjunct of the State Capitol Building; Authorizing the Issuance and Sale of Bonds by the State for such Purpose, Secured by Lands Embraced in the Federal Land Grant Made to the State for Public Buildings at the Capital of the State, and Proceeds therefrom; Enabling the State to Receive Gifts for the Betterment and Support of Such Building, and Repealing in Part Chapter 57 of the Laws of 1923, Relating to the Montana Pioneer Historical Fund and Pioneer Historical Commission, to Provide for the Payment of Interest and Principal, and Create a Sinking Fund and the Investment thereof.	49

HeinOnline -- 1929 xi 1929

Chap.	Senate Bill	House Bill	Title	Page
31		16	An Act to Amend Section 2191 of the Revised Codes of Montana of 1921, as Amended by Chapter 46 of the Laws of the Eighteenth Legislative Assembly Relating to Sale of Lands for Taxes Due thereon by County Treasurer.	56
32		59	An Act Relating to the Open Season for the Killing and Taking of Elk in Certain Portions of Teton and Lewis and Clark Counties, State of Montana, Providing for the Powers and Duties of the Montana State Fish and Game Commission Relative to the Provisions of this Act, making the Violation of this Act a Misdemeanor and Providing a Penalty for such Violation.	57
33		76	An Act to Provide for the Publication of the Report of the State Examiner covering the Examination of the various Incorporated Cities and Towns.	59
34		84	An Act to Amend Section 662 of the Revised Codes of Montana of 1921, as Amended by Chapter 98, Laws of the Twentieth Legislative Assembly of 1927, Relating to the Election of County and City Central Committeemen.	59
35		105	An Act to Amend Section 4462 of the Revised Codes of Montana of 1921, Relating to Time of Regular Meetings and Extra Session of Boards of County Commissioners and Repealing Section 4457 of the Revised Codes of Montana.	61
36		115	An Act to Amend Section 10012 of the Revised Codes of Montana, 1921, Relating to Administration of Estates Less than Two Hundred Dollars in Value by Public Administrators, so as to Permit Public Administrators to Administer Estates of Value Five Hundred Dollars and Less, without Letters of Administration.	62
37		127	An Act to Grant to the United States of America, Concurrent Police Jurisdiction Over the Rights of Way of the Blackfeet Highway, and over the Rights of Way of its Connections with the Glacier Park Road System on the Blackfeet Indian Reservation in the State of Montana.	63
38	46		An Act to Amend Section 4465 of the Revised Codes of Montana of 1921, as Amended by Chapter 95 of the Laws of the 18th Legislative Assembly, and as Amended by Chapter 54 of the Twentieth Legislative Assembly, Relating to the General and Permanent Powers of the Board of County Commissioners, by adding to such Powers the Further Power and Authority to Lease and Demise County Buildings, Equipment, Furniture and Fixtures for Hospital Purposes and to Appraise the Rental Value thereof.	64
39	50		An Act to Amend Section 7149 of the Revised Codes of Montana, as Amended by Section 4 of Chapter 125 of the Laws of the Nineteenth Legislative Assembly Relating to the Collections of Fees, Expenses and Compensation of Water Commissioners and the Payment of Liens therefore and Providing for Withholding the Admeasurement and Distribution of Water until the Payment thereof.	69
40	73		An Act to Amend Section 6340 of the Revised Codes of the State of Montana, 1921, Relating to Medical Examination, Number of Certificates and Mortality Tables of Fraternal Benefit Societies.	70
41	81		An Act to Provide for the Transfer of Accumulated Unidentified and Unclassified Cash Items in the Office of the State Treasurer to the General Fund of the State of Montana and Authorizing the State Treasurer to Transfer the Same When Accumulated.	71

HeinOnline -- 1929 xii 1929

Chap.	Senate Bill	House Bill	Title	Page
42	92		An Act Defining, Regulating and Providing for the Licensing of Fur Dealers and their Agents and Providing Penalties for the Violation of this Act.	71
43	107		An Act Amending Section 3695 of the Revised Codes of the State of Montana for 1921, as Amended by Section Six of Chapter 77 of the Laws of the Eighteenth Legislative Assembly, Pertaining to Regulations for Use of Artificial Fish Ponds.	73
44	122		An Act Relating to the Acquisition by the United States of Lands and Waters within the State of Montana for the Purpose of Creating, Developing and Maintaining Refuges for Migratory Wild Fowl.	74
45	148		An Act to Define and Establish the Boundary Line Between Powder River and Carter Counties.	75
46		5	An Act to Amend Section 1275, Revised Codes of Montana, 1921, as Amended by Chapter 69 of the Session Laws of 1923 and thereafter Amended by Chapter 107 of the Session Laws of 1925, Relating to County High School Tax Levy and the Distribution thereof.	76
47	6		An Act to Amend Chapter 98 of the Session Laws of the Eighteenth Legislative Assembly Relating to the Qualifications of Electors Entitled to Vote upon Proposals to Create or Increase Indebtedness of the City, Town, School District or other Municipal Corporations, and Relating to Official Duties Concerned therewith	77
48	30		An Act to Amend Section 1271 of the Revised Codes of Montana, 1921, as Amended by Chapter 127 of the Eighteenth Session Laws of the Legislative Assembly Relating to the Powers and Duties of Boards of Trustees of County High Schools	78
49	31		An Act to Amend Section 4767 of the Revised Codes of Montana of 1921 as Amended by Chapter 89 of the Laws of the Eighteenth Legislative Assembly and as further Amended by Chapter 137 of the Laws of the Nineteenth Legislative Assembly and by Chapter 134 of the Laws of the Twentieth Legislative Assembly, Relating to the Deposit of County, City, and Town Funds.	80
50	55		An Act to Amend Section 1569 of the Revised Codes of Montana, 1921, and to Prescribe the Salary of the Assistant in the Law Library.	83
51		129	An Act to Authorize Counties to Acquire by Gift, Purchase, Deed, Lease, or Otherwise Property for Parks, and to Provide for their Equipment, Maintenance, Operation, Control and Management as to Public Use.	84
52		151	An Act to Establish a Game Preserve in a Portion of Judith Basin County, for the Protection of Game Animals and Birds, to be known as Judith River Game and Bird Preserve, and Providing Penalties for the Killing, Hunting, Trapping and Pursuing any Game Animals or Birds in Such Preserve, or the Carrying of Fire-Arms Therein.	85
53		152	An Act to Establish Standard Threads on Fire Hose Couplings and Hydrant Fittings and to Provide for Standardization of Existing Equipment for Fire Protection Purposes.	86
54		154	An Act Amending Section 5308 of the Revised Codes of Montana of 1921, Relating to the Vacation of Plats in Abandoned Towns or Town Sites, Empowering the County Commissioners to Vacate Lots, Streets, Alleys and Parks in	

Chap.	Senate Bill	House Bill	Title	Page
			such Towns, and Providing for the Vacating or Excluding of Portions of said Towns or Town Sites by the District Court of the County where said Towns or Town Sites are Located, and Providing a Procedure therefore, and for Assessing such Excluded Portions of said Towns or Town Sites.	87
55		200	An Act to Regulate the Moving of Houses, Buildings, Derricks and other Structures, when it is Necessary in Connection therewith to Cut, Move, Raise or in any Manner Interfere with any Electric Light or Electric Power Wire or Poles.	89
56		23	An Act to Amend Section 3384 of the Revised Codes of Montana of 1921, Relating to the Creation of Herd Districts, their Size, Location, Boundaries, Population, and Procedure for the Establishment thereof.	90
57		68	An Act to Amend Section 1, Chapter 89 of the Session Laws of the 19th Legislative Assembly of the State of Montana, Relating to Irrigation Districts, Authorizing and Empowering Irrigation Districts and Commissioners thereof to purchase Lands Sold for Delinquent Taxes when Either Taxes or Assessments on Such Irrigation Districts Form All or a Part of the Taxes for which such Lands are Sold, to Lease, Operate, Sell and Dispose of the Same when Acquired, Providing for the Disposition of the Funds Realized therefrom and Repealing all Acts or Parts of Acts in Conflict herewith.	92
58		99	An Act to Amend Section 93, Chapter 60 of the Laws of the Twentieth Legislative Assembly Relating to Irrigation Districts and the Inclusion of State Lands therein.	94
59		104	An Act to Amend Section 1622 of the Revised Codes of Montana of 1921, as Amended by Chapter 128 of the Laws of the Nineteenth Legislative Assembly Relative to the Powers and Duties of County Commissioners Respecting Highways	95
60		111	An Act Providing that the Interest Paid by State Depositories as Required by Law on Funds Held by the State Treasurer to the Credit of the Veterans' Memorial Fund shall be Credited to such Fund, and Empowering the State Board of Land Commissioners to Safely Invest such Funds	98
61		118	An Act Concerning the Guardianship of Incompetent Veterans and of Minor Children of Disabled or Deceased Veterans, and the Commitment of Veterans and to make Uniform the Law with Reference thereto.	99
62		179	An Act to Amend Section 20 of Chapter 57 of the Laws of the Twentieth Legislative Assembly, Relating to the Assessment and Taxation of Building and Loan Associations and the Amount Standing to the Credit of Each Member thereof, and Providing for the Furnishing of Certain Information to County Officials by Building and Loan Association Officials.	104
63		180	An Act for the Assessment and Taxation of the Property of Insurance Companies Required by Law to have and Maintain a Legal Reserve for the Protection of Policyholders.	105
64		181	An Act Defining Moneys and Credits, and Moneyed Capital, for the Purpose of Taxation and Providing the Classification and Basis upon which Taxes shall be Imposed thereon and also upon the Shares of National Banks and State Banking Corporations; and Providing the Method of Assessing Credits, Moneyed Capital and such Shares.	106

HeinOnline -- 1929 xiv 1929

Chap.	Senate Bill	House Bill	Title	Page
65	59		An Act to Amend Section 970 Revised Codes of Montana, 1921, Relating to the Abandonment of School Districts.	108
66	87		An Act to Amend Section 11466 of the Revised Codes of Montana of 1921, Relating to Malicious Injury to Railroads, Highways and other Property being Chapter 51,—Defining Certain Injuries to Telephone, Telegraph and Electric Light Lines and Providing for a Penalty for the Malicious Interference therewith.	109
67	115		An Act to Amend Section 651 of the Revised Codes of Montana of 1921 as Amended by Chapter 133 of the Laws of the Eighteenth Legislative Assembly of the State of Montana, and as Further Amended by Chapter 14 of the Laws of the Twentieth Legislative Assembly of the State of Montana, Relating to the Arrangement, Printing and Voting of Ballots at Primary Elections.	110
68	Sub. for 60		An Act Authorizing the City or Town Council to Acquire Lands by Gift, Purchase or Condemnation, Either within or without the Corporate Limits of the Municipality, for Athletic Fields and Civic Stadiums and Conferring Municipal Jurisdiction over the same and to set Aside or Designate Portions or Tracts of Land Owned by any Municipality for Athletic Fields and Civic Stadiums and to Construct, Maintain and Regulate Athletic Fields and Civic Stadiums thereon.	112
69	Senate Sub. for House B. No. 62		An Act Regulating the Slaughtering of Neat Cattle and the Selling of the Meat and the By-Products thereof; Defining and Providing for the Licensing of Butchers and Meat Peddlers; for the Inspection and Tagging and Stamping of Hides and Meat, for the Issuance and Recording of Certificates of Inspection, Fees for such Inspection and Penalties for Violation of this Act, and Repealing Chapter 121 of the Twentieth Legislative Assembly of Montana, and all Acts and Parts of Acts in Conflict herewith.	113
70		48	An Act Providing for the Unified Investment and Administration by the State Board of Land Commissioners under the Provisions of Article XXI of the Constitution of Certain Public Funds under the Jurisdiction of the State, the Plan to be Designated as the Unified Investment Plan; Prescribing the Duties of Certain State Officials in Connection with this Plan; and Repealing Sections 5613 and 5614 of the Revised Codes of Montana of 1921, Section 270 of the Said Code as Amended by Chapter 122 of the Laws of the Nineteenth Legislative Assembly, and all other Acts and Parts of Acts in Conflict with the Provisions of this Act.	118
71		79	An Act Providing for the Admission of Dollie Cosens, a Daughter of a Deceased Civil War Veteran, to the Montana Soldiers Home at Columbia Falls, Montana.	123
72		90	An Act to Repeal Section 537 of the Revised Codes of Montana of 1921, Relating to the Publication of Questions Submitted to Popular Vote.	124
73		170	An Act to Amend Sections 2593 and 2595, Revised Codes of Montana, 1921, Providing for the Director of the Food and Drugs Division of the State Board of Health to Act as Chemist in the Enforcement of Food and Drugs Act and Stating his Qualifications and Stating the Duty of the County Attorney in Accepting as Presumptive Evidence the Report of the Chemist of the Food and Drugs Division of the State Board of Health.	124

HeinOnline -- 1929 xv 1929

Chap.	Senate Bill	House Bill	Title	Page
74		230	An Act to Prevent the Defacement, Removal or Destruction, of Highway Construction Detour Signs, or Barricades, or Warning Lights; and to Prevent Passage over Construction Work Designated as Closed to Traffic.	125
75		106	An Act to Repeal Sections 3947 to 4025, Both Inclusive, of the Revised Codes of Montana of 1921, and Chapter 147 of the Laws of the Eighteenth Legislative Assembly, 1923, and Chapter 135 of the Laws of the Nineteenth Legislative Assembly, 1925, Amendatory thereof, Relating to the Creation, Powers, and Duties of the Montana Irrigation Commission, the Regulation and Sale of Water Rights, and the Creation, Organization, Administration and Control of Irrigation Districts by the Public Service Commission of Montana, and Providing for a Continuance of said Sections, and Amendments thereof, as to all Irrigation Districts which have been organized and incurred Indebtedness Pursuant to said Sections and Amendments thereof.	126
76		70	An Act Designating the Number of Publications to be made under the Various Laws of the State of Montana, and for the Cure and Validation of Orders, Findings, Judgments, Decrees and Other Proceedings Based upon Publications for the Number of Times Prescribed herein.	127
77		81	An Act to Amend Section 30 of Chapter 147 of the Laws of the Twentieth Legislative Assembly Relating to School District Bonds Providing for the Payment of School District Bonds Held by the State, or Optional Bonds and for the Purchase and Redemption of Outstanding Bonds not Held by the State of Montana and Providing for the Investments of Sinking Funds, Cancellation of the Redeemed Bonds and Repealing Chapter 76 of the Session Laws of the Twentieth Legislative Assembly.	127
78		83	An Act to Amend Section 5251 of the Revised Codes of Montana of 1921, as Amended by Chapter 156, Nineteenth Legislative Assembly of the State of Montana, Relative to the Collection of Special Assessments and Taxes for Special Improvements within Incorporated Cities and Towns, and for the Certification of Special Assessments to the County Clerk for Collection.	129
79		91	An Act to Amend Section 1 of Chapter 96 of the Session Laws of the Eighteenth Legislative Assembly of Montana relating to the Collection of Taxes and the Time and Method of Collecting the Same, and the Interest thereon, and Providing Penalties for the Delinquency thereof.	132
80		107	An Act Defining Tourist Camp Grounds, Authorizing the Promulgation and Enforcement of Rules and Regulations by State Board of Health, Issuing and Revoking Licenses; Providing for the Posting of Rules and Regulations and Providing for Penalty of Violation of the Act.	133
81		124	An Act to Amend Section 1627 of the Revised Codes of Montana of 1921, Relating to Removal of Obstructions and Repair of Bridges.	135
82		153	An Act to Amend Sections 1503 and 1504 of the Revised Codes of Montana of 1921, Relating to the State Orphans' Home, and Repealing Sections 1501 and 1502 of the Revised Codes of Montana of 1921.	136
83		167	An Act Fixing the Annual Salary of the Official Stenographer of the Supreme Court.	138

HeinOnline -- 1929 xvi 1929

Chap.	Senate Bill	House Bill	Title	Page
84		169	An Act to Amend Section 6311 of the Revised Codes of Montana, 1921, Relating to Beneficiaries in Benefit Certificates issued by Fraternal Benefit Societies.	138
85		178	An Act to Amend Sections 4869, 4870 and 4871 of the Revised Codes of Montana of 1921, Relating to the Salaries of County Superintendents of Schools.	139
86		195	An Act to Amend Section 2159, Revised Codes of Montana, 1921, Relating to the Duties of the County Clerk in Relation to Taxes.	140
87		204	An Act to Amend Section 9745 of the Montana Revised Codes, 1921, Relating to the Record on Appeal from Orders other than New Trial	141
88		209	An Act Declaring Unlawful and Void Certain Written Agreements or Contracts for the Performance of Personal Services in Connection with the Preparation for Burial or Cremation, or the Burial or Cremation, of Human Bodies, when not made in Contemplation of Imminent Death of the Person whose Body is to be Buried or Cremated; Defining the Term 'Personal Services' and Providing Penalties for Soliciting or Inducing the making of such Contracts and for Accepting any Fee, Money or Other Valuable Thing for or on Account of such Contracts	142
89		110	An Act to Amend Section 4916 of the Revised Codes of Montana of 1921, as Amended by Chapter 111 of the Laws of the Twentieth Legislative Assembly, Relating to the Fees of Sheriffs.	143
90		330	An Act to Re-Allocate Certain Appropriations for State Offices, Boards and Institutions made by the Twentieth Legislative Assembly for the Biennium Ending June 30, 1929; it having been Determined that, while sufficient money had been Appropriated in total, the Allotments were not in Accord with the Requirements.	145
91		74	An Act to Amend Sections 8812 and 8813, Revised Codes of Montana of 1921, Relating to Judicial Districts and Number of Judges therein.	148
92		94	An Act to Amend Sections 2382 and 2383 of the Revised Codes of Montana of 1921, as Amended by Chapter 150 of the Laws of 1923 and by Chapter 186 of the Laws of 1925 and by Initiative Measure No. 31, Laws of 1927; and also to Amend Sections 2 and 3, Chapter 19 of the Laws of 1927: Being Sections 2396.2 and 2396.3 Respectively, of the Supplement to the Revised Codes of Montana 1923-1927, Requiring All Persons, Co-Partnerships, Firms, Associations, Joint Stock Companies, Syndicates and Corporations Engaged in, or Carrying on, the Business in this State of Selling, Handling, or Using Gasoline, to Pay to the State Board of Equalization Certain License Taxes for Engaging in, and Carrying on such Business in this State: Fixing the Amount of such License Taxes and Providing a Method for the Assessment and Collection thereof.	150
93		182	An Act to Regulate the Dairy Industry in the State of Montana and to Govern the Operation of Creameries, Milk and Cream Buying and Collecting Stations, Butter, Cheese, and Ice Cream Factories and all Establishments Producing, Handling, or Manufacturing Dairy Products; Defining the Terms used in this Act: Designating the Powers and Duties of the Department of Agriculture, Labor and Industry in Relation to the Dairy Industry and the Enterprises Regulated by this Act: Governing the Operation of the Babcock Test and The Sampling and Inspection of Dairy Products: Regulating the Hand-	

HeinOnline -- 1929 xvii 1929

Chap.	Senate Bill	House Bill	Title	Page
			ling and Sale of Oleomargarine and Other Substitutes for Dairy Products and the Licensing of Persons Dealing therein: Providing a Schedule of Licenses for Dairies, Creameries, Ice Cream Factories, Persons Collecting Milk or Cream, and all other Establishments Handling Dairy Products: Defining the Process of Pasteurization and Regulating its use, and Requiring the Pasteurization of Milk and Cream used by Creameries and in the Manufacture of Ice Cream: Regulating the Labeling of Dairy Product Containers: Making Certain Anti-monoply Statutes of the State Applicable to Producers of Dairy Products: Regulating the Labeling of Imported Dairy Products: Providing for the Registration of Dairy Names and Trade Marks: Providing Penalties for the Violation of this Act and Repealing Sections 2620 to 2633, both Inclusive, and Sections 3568 to 3572, both Inclusive, of the Revised Codes of Montana of 1921; all of Chapter 35 of the Session Acts of the Eighteenth Legislative Assembly of 1923 save and except Section 11 of said Act; Chapter 51 of the Session Acts of the Eighteenth Legislative Assembly of 1923; Chapters 153, 165, 166, 187, and 188 of the Session Acts of the Nineteenth Legislative Assembly of 1925, and Chapters 10, 136 and 142 of the Session Acts of the Twentieth Legislative Assembly of 1927, and all Acts and Parts of Acts in Conflict herewith.	153
94		219	An Act to Permit the Erection and Operation of Residence Halls at State Educational Institutions.	178
95		Sub. for H. B. 281	An Act to Amend Section 882 of the Revised Codes of Montana, 1921, Relating to the Establishment of the Montana State Bureau of Mines and Geology, Fixing its Location and Changing the Name thereof.	180
96		282	An Act to Amend Section 219 of the Revised Codes of Montana of 1921, Relating to the Number and Salaries of Assistants, Deputies and Clerks in the Department of the State Examiner, and Repealing Section 220 of the Revised Codes of Montana Relating to Additional Deputies and Assistants to the State Examiner.	180
97		296	An Act Requiring Every Person, Firm, Co Partnership, Association, Joint Stock Company, Syndicate, and Corporation Engaging in or Carrying on the Business within this State of Producing for Sale, Profit or Use the Commodity or Substance Known as "Carbon Black," to Pay to the State Treasurer for Engaging in and Carrying on Such Business Certain License Fees for the Exclusive use and Benefit of the State of Montana; Fixing the Amount of such License Fees; Prescribing a Method for the Assessment and Collection thereof; and Prescribing Penalties for Violations of the Provisions of this Act.	181
98		310	An Act Authorizing the Registrar of Motor Vehicles to Construct, Furnish and Equip an addition to the Building for the Manufacture of Automobile License Plates and Appropriating Money for that Purpose.	185
99		335	An Act Authorizing and Directing the State Board of Examiners to Provide for the Construction and Erection of a Show Barn for the Display of Livestock at the State Fair Grounds in Lewis and Clark County, Montana, and to Appropriate Money therefor.	186
100		17	An Act Relating to Tax Deeds, Providing the Method and Procedure to be Followed in Applying for the Tax Deed and for the Issuance thereof by the County Treasurer; the Redemp-	

HeinOnline -- 1929 xviii 1929

Chap.	Senate Bill	House Bill	Title	Page
			tion of Said Lands from the Tax Sale; the Form of Deed to be Issued and the Title Conveyed thereby.	187
101		28	An Act to Amend and Re-enact Section 89 of Chapter 60 of the Session Laws of the State of Montana of 1927 Relating to the Reinstatement of Cancelled Certificates of Purchase of State Lands.	191
102		55	An Act to Amend Section 1010 of the Revised Codes of Montana, 1921, as Amended by Chapter 70 of the Session Laws of the Eighteenth Legislative Assembly of 1923, as further Amended by Chapter 76 of the Session Laws of the Nineteenth Legislative Assembly of 1925, and as further Amended by Chapter 77 of the Twentieth Legislative Assembly of 1927, Relating to Transportation, Board, Rent, Tuition of Pupils of any School District or Districts of the State of Montana and Providing for furnishing Transportation, Rent, Board, and Tuition for such Pupils and Providing for Appeal.	192
103		Sub. for H. B. 77	An Act to Amend Section 11180 of the Revised Codes of Montana, 1921, Relating to the Recording or Registering of Bets, or Wagers, upon the Result of any Contest of Speed or Skill or Endurance of Animal or Beast and to Repeal all Acts and Parts of Acts in so far as the same may Conflict herewith.	195
104		126	An Act to Regulate the Occupation of Hairdressers and Cosmetologists, create a State Examining Board for the Licensing of Persons to Carry on or Teach such Practices, to Insure the Better Education of such Practitioners, to Provide Rules Regulating the Proper Conduct and Sanitation of Hairdressing and Cosmetologist Establishments and Schools, and to Provide Penalties for Violations thereof.	196
105		144	An Act to Provide for the Incorporation, Operation and Supervision of Co-Operative Savings and Credit Associations to be Termed Credit Unions, and to Define their Powers.	201
106		174	An Act to Amend Section 4390 of the Revised Codes of Montana, 1921, Providing for the Creation of New Counties, Fixing Valuation of the Old Counties, and to Establish the Assessed Valuation of New Counties, also, to Prorate Debts and Assets and Fix Minimum Area of Old Counties.	210
107		194	An Act to Amend Section 1281 of the Revised Codes of Montana, 1921, as Amended by Chapter 132 of the Session Laws of the Twentieth Legislative Assembly Relating to the Levy for High School Purposes in Counties not Maintaining a County High School.	211
108		196	An Act to Authorize and Empower Counties, Cities and Towns to Acquire, Establish, Improve, Equip, Maintain and Operate Airports or Landing Fields, and Validate Action heretofore Taken by Counties, Cities and Towns in this State for such Purposes.	213
109		Sub. for H. B. 251 252, 253 and 254	An Act to Amend Section 1013 of the Revised Codes of Montana, 1921, and Section 3 of Chapter 19, Session Laws of 1923, and Chapter 102 of the Session Laws of 1925 Relating to Transfer of Apportionment where a Pupil Attends a District or County High School outside the District or County of his Residence.	215
110		270	An Act Relating to Agricultural Seeds, Amending Sections 3594, 3596 and 3602 Revised Codes of Montana of 1921, Concerning the Labeling Requirements of Agricultural Seeds and Mixtures and Concerning Penalties and Prosecutions for Violations of the Law Relating thereto.....	216

HeinOnline -- 1929 xix 1929

Chap.	Senate Bill	House Bill	Title	Page
111		277	An Act to Authorize the State Board of Land Commissioners to Receive, Create and Establish State Parks; to Provide for their Public use and Regulation; to Create and Designate a State Park Director and to Define his Powers and Duties; and to Repeal all Acts and Parts of Acts in Conflict herewith.	220
112		287	An Act to Amend Section 4181 of the Revised Codes of Montana, 1921, Relating to Wage Brokers and Providing Penalty for Violation of Section 4173 to 4180 both Inclusive.	221
113		298	An Act to Amend Section 6573 of the Revised Codes of Montana of 1921, Relating to Persons to whom Free Transportation may be Issued.	222
114		315	An Act Amending Section 5909 of the Revised Codes of Montana, 1921, Relating to the Filing of Copies of Articles of Incorporation by Corporations.	223
115		22	An Act to Repeal Sections 12075, 12076, and 12077 of the Revised Codes of Montana of 1921 Relating to Indeterminate Sentence and Parole.	225
116		Sub. for H. B. 112	An Act to Amend Sections 3073, 3079 and 3080 of the Revised Codes of Montana of 1921, Providing for the Hours of Labor, Public Works, Public Buildings and Grounds and in Mills, Smelters, Mines, Buildings and on Railroads and other Tunnels and Fixing the Penalty therefor.	225
117		132	An Act Relating to Corporations Defining the Duties of the Secretary of State of Notifying Corporations when the Charter will Expire, and Providing for Winding up the Affairs of the Corporation at the Expiration of the Charter, and Providing for the Continuance of the Existence of the Corporation for the Purpose of Winding up its Affairs.	227
118		137	An Act Prescribing Qualifications for County Superintendent of Schools.	228
119		163	An Act to Amend Section 10001 of the Revised Codes of Montana of 1921, Relating to the Duties of the Public Administrator in Handling Estate Moneys.	229
120		177	An Act to Amend Chapter 100, of the Session Laws of the Twentieth Legislative Assembly of the State of Montana, Defining the Qualifications of Police Officers in Cities and Towns in the State of Montana, Providing for the Creation of Police Reserves, Specifying Salary Limitations thereon, and Specifying the Limitations of Tax Levies therefor, Creating a Board of Trustees, Defining its Powers and Providing for the Investment of Funds and Adding Four New Sections thereto to be known as Sections 11, 12, 13, 14 and Renumbering the Sections.	230
121		197	An Act Providing for the Registration and Licensing of Motor Vehicles of Non-resident Owners, and Providing for Registration Cards and Identification thereof.	234
122		208	An Act to Provide for the Appointment of a Crime Commission: Defining its Powers and Duties and Making an Appropriation therefor.	237
123		249	An Act to Amend Section 1202 of the Revised Codes of Montana of 1921 Relating to the Common School Levy and Providing for the Making of the Same, and for Payment of Moneys Arising from said Levy and from Fines.	238

HeinOnline -- 1929 xx 1929

Chap.	Senate Bill	House Bill	Title	Page
124		265	An Act to Amend Chapter 209 of Part III of the Political Code of Montana of 1921, by Adding thereto a Section to be known as Section 2737A Relating to the Powers and Duties of the State Fire Marshal.	239
125		267	An Act to Amend Section 9453 of the Revised Codes of Montana of 1921, As Amended by Chapter 22 of the Session Laws of 1925, Relating to the Cure of Defects in Judicial Sales of Real Property.	241
126		Sub. for H. B. 268	An Act to Authorize the State of Montana to Become Indebted in the Sum of Three Million Dollars in Excess of the Constitutional Limitation of Indebtedness and over and above any Bonded Indebtedness heretofore Incurred or Created and for which the State of Montana is now Obligated, for the Construction, Repair, and Equipment of Necessary Buildings, other Permanent Improvements and the Acquisition of Necessary Grounds therefor, at the Several Institutions of the State of Montana, Consisting of the State University at Missoula, State College of Agricultural and Mechanic Arts at Bozeman, the Montana State School of Mines, at Butte, the Montana State Normal College at Dillon, the Eastern Montana State Normal School at Billings, and the Northern Montana Agricultural and Manual Training School at Fort Assiniboine, Now Comprised in the University of Montana, and the State Orphans' Home at Twin Bridges, Montana, School for Deaf and Blind at Boulder, the Montana State Industrial School at Miles City, the State Vocational School for Girls at Helena, the State Insane Asylum at Warm Springs, the Montana State Tuberculosis Sanitarium at Galen, the State Soldiers' Home at Columbia Falls, and the State Prison at Deer Lodge; Providing for the Issuance of Bonds in the Name of the State of Montana as Evidence of such Indebtedness and for the Sale thereof, Prescribing the form of such Bonds and Providing for the Levy of an Annual Tax Sufficient to Pay the Principal thereof and the Interest Accruing thereon.	242
127		82	An Act Relating to the Sanitation of Barber Shops; Defining the Practice of Barbering; Providing the Qualifications for Certificates of Registration as a Registered Barber; Establishing a Board of Barber Examiners and Defining its Duties and Powers; Requiring that all Barbers and Barber Apprentices after the Passage of this Act shall be Registered; Providing for the Registration of Barbers and Barber Apprentices and; Providing Certain Penalties for Violation of the Provisions of this Act.	246
128		113	An Act to Amend Section 3697 of the Revised Codes of Montana, 1921, as Amended by Section 13A of Chapter 59, Laws of the Twentieth Legislative Assembly of the State of Montana Relating to the Open Season for Deer.	250
129		173	An Act Providing for Examination and for Registration of Trained Nurses without Examination, Providing Qualifications and Training Requirements, Providing for Registration Fee and for Renewal of Registration Certificate, Amending Sections 3207 and 3210, Revised Codes of Montana, 1921, and Sections 3211 and 3211A as Amended and Enacted by Chapter 123 Session Laws of 1925.	251
130		186	An Act to Amend Section 11 of Chapter 65 of the Eighteenth Legislative Assembly of 1923, as Amended by Chapter 150 of the Nineteenth Legislative Assembly of 1925, and by Chapter 105 of the Twentieth Legislative Assembly of 1927, Relative to Tax on Direct and Collateral	

HeinOnline -- 1929 xxi 1929

Chap.	Senate Bill	House Bill	Title	Page
			Inheritances, Bequests and Devises; and Relating to the Apportionment of Debts and Exemptions as Applied to Estates Located Partly within and Partly without Montana; and Providing that the Provisions of this Act shall Apply to all Estates of all Decedents who have Died since the First Day of June, 1924, and which Estates Remain Undistributed on the Date when this Act takes Effect, to the same Extent and in the same Manner as though this Act had been in Full Force and Effect at the Dates of Death of such Decedents.	253
131		206	An Act Providing for the Regulation and Licensing of Public Dances and Dance Halls without the Limits of Incorporated Cities and Towns, and. Providing Penalties for the Violation thereof.	256
132		187	An Act Abolishing Liability of Cities and Towns on Account of Accumulation of Snow or Ice on Streets and Public Ways.	258
133		213	An Act to Amend Sections 4574, 4584 and 4592 of the Revised Codes of Montana of 1921, Relating to Rural Improvement Districts and Providing for Water Systems within such Rural Improvement Districts.	259
134		215	An Act Amending Chapter 71 of the Session Laws of the Nineteenth Legislative Assembly of the State of Montana, Relating to Cities Having a Population of Twenty-four Thousand (24,000) or More According to the Last Government Census, and Owning and Operating Municipal Water Systems, Empowering such Cities to Furnish Water to any Factory, Industry and Producer of Farm or Other Products or Inhabitants within Three Miles of the Corporate Limits of such Cities and providing that any Person Unlawfully Using such Water shall be Guilty of a Misdemeanor, Repealing all Acts or parts of Acts in Conflict herewith.	262
135		226	An Act to Amend Section 2037 of the Revised Codes of the State of Montana, 1921, Relating to Deputies for Assessors.	263
136		238	An Act to Enable Cities and Incorporated Towns to Regulate and Restrict the Size and Character of Buildings and Structures, the Space Occupied by them, and the Location and use thereof, and to Divide such Municipalities into Districts, and to Regulate the Same, and to Provide Method of Procedure for the Creation of such Districts and the making and Enforcing of Regulations, and to Provide for the Appointment of a Zoning Commission and Board of Adjustment, and for the Enforcement of this Act and Any Ordinances or Regulations made under its Authority.	264
137		247	An Act to Amend Section 5130 of the Revised Codes of Montana of 1921, as Amended by Chapter 58 of the Laws of the Twentieth Legislative Assembly Relating to the Duties of the Secretary and Treasurer of the Fire Department Relief Associations, the Official Bond of such Treasurer and the Duties of the State Examiner with reference to the Examination of the Books and Accounts of such Associations.	270
138		Sub. for H. B. 86	An Act Providing for the Increase of the Rate of Taxation on Real and Personal Property for State Purposes of not to Exceed Three (3) Mills on Each Dollar of Valuation, in Addition to the Levy which is now or may be hereafter Authorized by Section 9 of Article 12 of the Constitution of the State of Montana, for a Period of Ten Years Beginning with the Year 1931, and to Authorize and Empower the Legislative As-	

HeinOnline -- 1929 xxii 1929

Chap.	Senate Bill	House Bill	Title	Page
			sembly to Levy a Tax for Each Year During such Period of an Additional Levy of not to Exceed Three (3) Mills on Each Dollar of Valuation for the Support, Maintenance and Improvement of the Institutions now Comprised in the Greater University of Montana, Together with the Agricultural Experiment Station and its branches and Substations, and the Agricultural Extension service, Including the soil survey and the grain laboratory and to Appropriate so much of the Money Derived therefrom for Each Year During said Period as may be Necessary for said Purposes, and Providing for the Submission of this Act to the Qualified Electors of the State of Montana at the Next General Election, Describing the form of Ballots to be used and the Duties of the Secretary of the State of Montana Relative to the Submission of said Act to the Qualified Electors of said State.	271
139		190	An Act to Amend Section 2753 of the Revised Codes of Montana, 1921, and by Adding New Sections to be known as Sections 2753a, 2753b, 2753c, and 2753d, Relating to Removal of Dangerous Structures and Combustible Material, and to Proceedings for the Abatement of such Dangerous Structures or Combustible Materials.	273
140		198	An Act Authorizing the Board of School Trustees of any School District to Issue Warrants in Excess of the Available Funds of the District and in Excess of the Amount of Taxes Levied by said District for the Current School Year and not yet Collected and to Authorize such Boards of School Trustees to Issue Bonds for the Purpose of Funding all Indebtedness Represented by Bonds Outstanding on July 1, 1929.	277
141		Sub. for H. B. 199	An Act to Amend Subdivisions (c) Section 1, Section 2, Section 3, and Section 6, Chapter 154, Session Laws of Montana, 1923, as Amended by Chapter 103, Session Laws of Montana, 1925, Relating to the Regulations of the Transportation of Persons and Property by Motor Vehicles within the State of Montana, by making said Act Applicable to Common Carriers Operating within or without the Limits of Municipal Corporations; Establishing a Prima Facie Rule of Evidence for Operators and Correcting the Language of said Original Act.	279
142		228	An Act to Amend Section 4465 of the Revised Codes of Montana, 1921, by Adding thereto Subsection 28 Providing for Garbage and Ash Collection Districts Contiguous to Cities and Provide for Millage to Carry out the Provisions of the Act.	282
143		248	An Act to Amend Section 2238 Revised Codes of Montana, 1921, as Amended by Chapter 102, Session Laws of 1923, and Chapter 24, Session Laws of 1925, Relating to the Collection of Personal Property Taxes.	283
144	52		An Act to Amend Section 1213 of the Revised Codes of Montana of 1921, Relating to the Duties of County Treasurers with Respect to School District Funds.	284
145	53		An Act to Amend Section 1203 of the Revised Codes of Montana of 1921, Relating to Special School Tax.	285
146	63		An Act to Amend Section 835 of the Revised Codes of Montana, 1921, and to Authorize the State Board of Education to Hold Meetings of the Board at Places other than the State Capitol.	286
147	66		An Act to Amend Section 6708 of the Revised Codes of Montana, 1921, by Providing that Leases or Grants of any Town or City Lot for a Period not Longer than Seventy-five Years shall be Valid.	287

HeinOnline -- 1929 xxiii 1929

Chap.	Senate Bill	House Bill	Title	Page
148	71		An Act Providing for a Budget System for making and Controlling County Estimates, Tax Levies and Expenditures, Providing Penalties for the Violation thereof, and Repealing Sections 224 to 230 Inclusive, Revised Codes of Montana, 1921, and all other Acts and parts of Acts in Conflict therewith.	288
149	129		An Act to Amend Section 1415 of the Revised Codes of Montana, 1921, as Amended by Chapter 42 of the Session Laws of 1923, Relating to Appointment of, Removal and Salary of the Superintendent of the Insane Asylum and his Assistants.	297
150	134		An Act Amending Section 5228 of the Revised Codes of Montana, 1921, as Amended by Chapter 135 of the Session Laws of the Eighteenth Legislative Assembly of the State of Montana, Relating to the Cost of Improvement on Extended Improvement Districts not Fronting on Streets Improved.	298
151	Sub. for S. B. 146		An Act Defining and Providing for the Licensing of Hide Buyers; Providing for the Inspection and Tagging of Hides and Providing for the Issuance and Recording of Certificates of Inspection; Providing Fees for Such Inspection; Providing Penalties for the Violation of this Act.	299
152		Sub. for H. B. 61	An Act to Amend Section 2078 of the Revised Codes of Montana of 1921 and Section 2081 of said Codes as Amended by Chapter 73 of the Laws of Montana of 1923, Providing for a Tax Levy upon Sheep and other Livestock and the Distribution and use of the Moneys Realized therefrom.	302
153		Sub. for H. B. 63	An Act Legalizing all Elections heretofore held Authorizing the Issuance of Bonds by any County of this State, for the purpose of Obtaining Funds to Pay a Warrant Indebtedness heretofore Created by such County where such Election was not Called upon the Presentation of a Petition by Twenty percent of the Tax Paying Electors of the County and was Participated in and the Question was Submitted to a Vote of the Electors rather than to the Registered Electors whose Names Appeared upon the Last Preceding Assessment Roll as Required by Chapter 98 of the Laws of 1923.	303
154		Sub. for H. B. 164	An Act to Amend Section 3574 of the Revised Codes of Montana, 1921, as Amended by Section 1, Chapter 41, of the Laws of the Eighteenth Legislative Assembly, Sections 3576, 3579, 3581 of the Revised Codes of Montana, 1921, and Section 3588 of the Revised Codes of Montana, 1921, as Amended by Section 3, Chapter 41 of the Laws of the Eighteenth Legislative Assembly and as Further Amended by Section 1 of Chapter 174 of the Laws of the Nineteenth Legislative Assembly, Relating to Direct Purchases of Grain and the Delivery of Grain by Public Warehousemen on Storage Certificates.	304
155		Sub. for H. B. 218	An Act to Empower Any Irrigation District to Issue Refunding Bonds, Providing for the Refunding, Redemption and Payment of Bonds and Warrants of Any such Irrigation District, for the Sale or Exchange of such Refunding Bonds, for Settling the Terms and Conditions of an Exchange of Bonds, and to Repeal Sections 7226 to 7230, both Inclusive, Revised Codes of Montana, 1921, as Amended by Sections 13 to 17, both Inclusive, Chapter 157, Laws of Montana, 1923.	309
156	19		An Act to Amend Section 2209 of the Revised Codes of Montana for 1921, Relating to Giving Notice of Application for Tax Deed.	311

HeinOnline -- 1929 xxiv 1929

Chap.	Senate Bill	House Bill	Title	Page
157	26		An Act Designating the City of Fort Benton as a Place for the Erection of a Memorial Commemorating the Exploration of the Lewis and Clark Expedition, and Providing for a Commission to Select a Site and Suitable Memorial and Supervise the Erection of Same.	313
158	41		An Act Authorizing the State Board of Examiners to Issue and Dispose of "Refunding Capitol Building Bonds" to the Amount of Five Hundred and Thirty-five Thousand Dollars, for the Purpose of Refunding the "Second" and "Third" Issue "Capitol Building Bonds of the State of Montana"; to Provide for the Payment of Interest and Principal, and Create a Sinking Fund and the Investment thereof.	314
159	62		An Act to Amend Section 10213 of the Revised Codes of Montana of 1921 as Amended by Chapter 67 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana, and to Amend Section 10214 of the Revised Codes of Montana of 1921, Relating to the Sale of Real Estate in Probate Proceedings, the Manner of Service and Giving of Notice of such Sale and the Proof thereof.	318
160	64		An Act Authorizing and Empowering the State Board of Examiners of the State of Montana to Sell and Convey 4.50 Acres of Land, More or Less, Owned by the State and Forming a part of the Lands at the State Orphans' Home at Twin Bridges, Montana.	320
161	90		An Act to Promote and Protect the Poultry Industry, and for the Prevention, Control, and Extermination of Infectious, Contagious, and Destructive Diseases of Poultry and Prescribing a Penalty for the Violation of any of the Provisions of this Act.	321
162	105		An Act to Amend Section 2235 of the Revised Codes of Montana, 1921, as Amended by Section 3 of Chapter 85, Laws of Twentieth Legislative Assembly, Relating to the Sale of Unredeemed Property by County Commissioners.	322
163	Sub. for S. B. 106		An Act to Amend Section 12 of Chapter 57 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana, Relating to Building and Loan Associations, in Assessment and Collection of Dues, Interest, Prohibiting Fines, Penalties and Premiums, and Providing for Penalty for the Violation thereof.	325
164	114		An Act to Amend Section 2234 of the Revised Codes of Montana, 1921, Relating to the Distribution of Moneys Received on Account of Redemption when Property was Sold to the County, and Providing for Reports by the County Treasurer.	329
165	120		An Act to Amend Section 363 of the Revised Codes of Montana of 1921, as Amended by Chapter 40 of the Laws of the Eighteenth Legislative Assembly of the State of Montana, 1923, Relating to the Salary of the Chairman of the State Board of Hail Insurance and Increasing the same.	330
166		Sub. for 37 and 57	An Act making it Unlawful to Drive a Motor Vehicle on the Highways of this State while Intoxicated or Under the Influence of Intoxicating Liquor or any Drug or Narcotic; Defining Certain Offenses Relative to Driving or Propelling Motor Vehicles; Prescribing Penalties; Providing for Forfeiture of License and for Giving Notice to the Registrar of Motor Vehicles.	331

HeinOnline -- 1929 xxv 1929

Chap.	Senate Bill	House Bill	Title	Page
167		143	An Act to Amend Section 73 of Chapter 89, Laws of the Twentieth Legislative Assembly, Relating to Fees to be Paid the State Examiner and Superintendent of Banks for the General Fund, and Providing for the Transfer to the General Fund of the State of Moneys Now in the State Examiners Fund and Establishing a Special Examination Fund, Providing for Withdrawals therefrom and for the Transfer of all Moneys Remaining therein at the End of each Current Year to the General Fund.	334
168		149	An Act to Amend Section One of Chapter 17, Laws of the Twentieth Legislative Assembly, State of Montana, 1927, Providing a Method by which Refund or Drawback may be Obtained of License Taxes Paid on Gasoline Handled; and Prescribing the Procedure for Obtaining Refund or Drawback.	339
169		168	An Act Relating to Drainage Districts, Amending Sections 7284, 7307, 7322, 7323, 7327 of the Revised Codes of Montana, 1921, and 7342 of said Codes as Amended by Chapter 109 of the Laws of 1923, Adding a Section to be Designated as Section 7364A to said Codes, Providing for Filling of Vacancies in the Board of Commissioners, Specifying the Various Classes of Property, Persons and Corporations Against which Assessments may be made to aid in Payment of Costs of Construction of Drains, Repairs, Up-keep, Administration and Incidental Expenses of Drainage Districts, the Levy of Additional Assessments in Case any Assessment be Declared Void and Providing for the Levy of Assessments upon Certain Lands, Irrigation Ditches and Canals, to aid in Payment of Cost of Construction of Drains, which Lands, Ditches and Canals were not or shall not be Included in the Original Assessment for Costs of such Construction.	341
170		232	An Act to Amend Section 3282 Revised Codes of Montana of 1921, as Amended by Section 11 of Chapter 35 of the Session Laws of the Eighteenth Legislative Assembly of Montana of 1923, Providing a Schedule of Licenses for Producers and Manufacturers of Dairy Products; Authorizing the Supervision of Dairies by the Livestock Sanitary Board and Providing Penalties for the Violation of this Act.	347
171		235	An Act Relating to Registration of Motor Vehicles; Relating to the Application for Registration; and the Furnishing and Production of County Treasurer's Certificates Relating to Taxes; Defining the Duties of the County Treasurer and the Registrar of Motor Vehicles and Providing a Penalty for Failure to Make Application for Registration within a Prescribed Time, and Repealing all of Chapter 123 of the Session Laws of the Twentieth Legislative Assembly of Montana.	349
172		259	An Act to Amend Section 3886, Revised Codes of Montana, 1921, Relating to the Filing of Annual Reports by Public Utilities with the Public Service Commission of Montana.	351
173		283	An Act Authorizing the State Board of Prison Commissioners to Establish a Tannery at the Montana State Prison at Deer Lodge, Montana: Providing for the purchase of Equipment, Hides and Materials for the Operation of Same; for the Employment of Convict Labor in Connection with the Operation thereof and Disposal and Use of the Moneys Derived therefrom.	352
174		324	An Act to Provide for the Support of the Government of Montana for the Years 1929 and 1930.	353

HeinOnline -- 1929 xxvi 1929

Chap.	Senate Bill	House Bill	Title	Page
175	132		An Act to Amend Section 8 of Chapter 19 of the Session Laws of the Twentieth Legislative Assembly of Montana, Relating to Delinquent Gasoline Dealers and License Taxes; Prescribing the Duties of the State Board of Equalization with Reference thereto, and the Fixing of the Amount of the Tax; Prescribing Penalties and Interest; Providing for Liens upon the Property of the Dealers for Delinquent Taxes, Penalties and Interest and the Method and Manner of their Release; and Prescribing the Duties of the State Treasurer and Attorney General with Reference to Said Delinquent Taxes.	356
176	102		An Act to Amend Section 1632 of the Revised Codes of Montana of 1921 Relating to Inspection of Highways and Construction Work by Boards of County Commissioners and Compensation therefor.	358
177		Sub. for H. B. Nos. 52 and 66	An Act to Amend Sections 2907, 2914, 2918, 2921, 2923, 2924, 2933, 2944, 2959, 2952, 2981 of the Revised Codes of Montana of 1921, and Sections 2912, 2913, 2915, 2917 and 2920 of the Revised Codes of Montana of 1921, as Amended by Chapter 121, of the Session Laws of the Nineteenth Legislative Assembly of 1925, Relative to the Workmen's Compensation.	359
178		150	An Act to Amend Section 13 of Chapter 19, Laws of Twentieth Legislative Assembly, State of Montana, 1927, Relating to the Disposition of Moneys Received in Payment of Gasoline License Taxes Imposed under the Provisions of said Act.	373
179		284	An Act to Amend Sections 4026, 4027, 4028, 4040, and 4050 of the Revised Codes of Montana of of 1921, Defining Investment Companies and Securities, Exempting Certain Securities, from the Provisions thereof; Providing for the Registration of Agents of Investment Companies and Permits to do Business and Prescribing Fees to be Paid by Investment Companies and Stockbrokers and Agents thereof.	374
180		289	An Act to Amend Section 182 of the Revised Codes of the State of Montana, 1921, as Amended by Chapter 85 of the Session Laws of the Eighteenth Legislative Assembly, 1923, Relating to the Depositing of Funds in the Hands of the State Treasurer; and Providing for the Security to be Delivered by the Banks Designated as Depositories by the State Depository Board.	379
181	37		An Act to Amend Section 1755 of the Revised Codes of Montana of 1921, as Amended by Chapter 177 of the Laws of 1925 and by Chapter 129 of the Laws of 1927, and to Amend Section 1759 of said Revised Codes, as Amended by Chapter 113 of the Laws of 1925, all Relating to Registration and Re-registration of Motor Vehicles, Trailers and Semi-trailers, Motor and Automobile Accessories Dealers, and Operators and Chauffeurs, Certificates of Title, and Duties of Registrar of Motor Vehicles, and Residents Operating a Motor Vehicle under Foreign License, and Providing Penalties for the Violation of the Provisions of this Act.	382
182	38		An Act to Amend Section 1760 of the Revised Codes of Montana of 1921, as Amended by Chapter 107 of the Laws of 1923 and by Chapter 88 of the Laws of 1927, Relating to Registration Fees for Motor Vehicles, Trailers, Semi-trailers, and Dealers in Motor Vehicles or Automobile Accessories.	387
183	39		An Act to Amend Section 1 of Chapter 113 of the Laws of 1925, Defining Certain Words and Phrases.	390

HeinOnline -- 1929 xxvii 1929

Chap.	Senate Bill	House Bill	Title	Page
184		58	An Act to Provide for the Creation of a State Library Extension Commission, Prescribing the Duties of said Board and making an Appropriation for the Maintenance thereof.	391
185		73	An Act to Amend Section 7210 of the Revised Codes of Montana, 1921, as Amended by Section 7 of Chapter 157, Laws of the Eighteenth Legislative Assembly, State of Montana, 1923, and to Amend Section 7211 of the Revised Codes of Montana, 1921, as Amended by Section 1 of Chapter 161, Laws of the Eighteenth Legislative Assembly, State of Montana, 1923, and Repealing Section 7216 of the Revised Codes of Montana, 1921, as Amended by Section 2 of Chapter 161, Laws of the Eighteenth Legislative Assembly, Section 7217, Section 7218 as Amended by Section 3, Chapter 161, Laws of the Eighteenth Legislative Assembly, Section 7219, Section 7220, as Amended by Section 11, Chapter 157, Laws of the Eighteenth Legislative Assembly, Sections 7221, 7222, 7223, Section 7224, as Amended by Section 12 of Chapter 157, Laws of the Eighteenth Legislative Assembly, and Section 7225 of the Revised Codes of Montana, 1921, Relating to Petition for Bonds of Irrigation Districts, Action thereon, and Confirmation of Bond Proceedings of Irrigation Districts, and to the Creation of the Irrigation District Bond Commission, Prescribing its Powers and Duties, Examination of Irrigation Districts and Irrigation District Bonds by said Commission, Certification of said Bonds by Secretary of State, and making said Bonds a Legal Investment for Trust Funds, etc.	393

APPROPRIATION BILLS

House Bill	Title	Page
1	An Act to Appropriate Money for the Payment of Mileage and Per Diem to the Members of the Twenty-First Legislative Assembly of the State of Montana and Per Diem to the Officers and Attaches of the Twenty-First Legislative Assembly of the State of Montana and for Incidental Expenses of the Twenty-First Legislative Assembly of the State of Montana.	401
24	An Act Appropriating Money for the Payment of Claim of Andy Briscoe as Compensation or as a Pension and for an Artificial Limb and Expenses Incident to Fitting Artificial Limb, Due to Injuries Received while on Duty in the Service of the State of Montana as a Private in the Service Company, 163rd, Infantry, Montana National Guard.	402
72	An Act Appropriating Money for the Payment to Custer County Free High School of Custer County, Montana, for Expenses Incurred for the School Year 1927-1928 and now being Incurred for the Current Year in Furnishing High School Training and Education to State Charges and Inmates of the Montana State Industrial School.	403
80	An Act to Appropriate Money for Payment of Mileage and Per Diem to the Presidential Electors.	403
88	An Act to Appropriate Funds for the Payment of Claims Due to the Industrial Accident Board of the State of Montana, as Assessments Against the Montana State College for the Fiscal Year Ending June 30, 1927.	404
89	An Act to Appropriate Money for the Refund of Excessive Collection of the Inheritance Taxes by the State of Montana.	405
95	An Act to Appropriate Money for the Payment of Certain Claims Arising from the Operation of Certain State Departments, Since July 1, 1925.	405
96	An Act Appropriating Money for the Payment of Certain Obligations Incurred on Behalf of the State Forest Department on Account of Fire Suppression During the Years 1919, 1920 and 1926, under Cooperative Agreements with the United States Forest Service.	407

HeinOnline -- 1929 xxviii 1929

House Bill	Title	Page
97	An Act to Appropriate Funds for the Payment of Certain Deficiency Claims Arising from the Transportation of Prisoners to the Montana State Prison at Deer Lodge, Montana, and for the Transportation of Fugitives from Justice to Points within the State of Montana, during the Years Prior to and Closing with June 30, 1927.	408
98	An Act to Appropriate Funds for the Payment of Certain Deficiency Claims Arising from the Operation of Various State Departments, Commissions, and Institutions during Years Prior to and Closing with June 30, 1927.	409
138	An Act to Appropriate Money for the Refund of Excessive Collection of Taxes by the State of Montana.	411
142	An Act Appropriating Money for the Payment of the Claim of Catharine Crossland Smith as Compensation for Expenses Incurred by her Husband, the Late Robert B. Smith, while in the Performance of his duties as Governor of the State of Montana.	411
260	An Act making Appropriation for and Directing Payment to the Heirs of Christian Moeller, Deceased, of Moneys Belonging to such Heirs Escheated to the State of Montana.	412
312	An Act Providing Money for the Operation and Maintenance of the Livestock Commission of the State of Montana, and for the Operation and Maintenance of the Livestock Sanitary Board for the Years Beginning July 1, 1929, and Ending June 30, 1931.	413
313	An Act Appropriating Money for the Purpose of Constructing a General Utility Building at the Montana Soldiers' Home, and for Repairs and Replacements to Buildings at the Montana Soldiers' Home.	415
314	An Act Appropriating Money for the Purpose of Constructing, Furnishing and Equipping a House for the Criminal Insane and an Addition to the Heating Plant at the Montana State Hospital for the Insane.	416
316	An Act Appropriating Money for the Operation and Maintenance of Certain of the Boards, Commissions and Departments of the State of Montana for the Period Beginning July 1, 1929, and Ending June 30, 1931.	417
317	A Supplementary Appropriation Bill Appropriating Money for the State Board of Hail Insurance, the Administration of the Motor Vehicle License and Registration Laws, the Fish and Game Commission and Fire Marshal.	420
318	An Act to Appropriate Money for the Operation and Maintenance of the Agricultural Experiment Station and the Substations and for Farmers' Extension Work for the Period Beginning July 1, 1929, and Ending June 30, 1931.	422
319	An Act Appropriating Money for the Operation and Maintenance of Certain of the State Departments of the State of Montana for the Period Beginning July 1, 1929, and Ending June 30, 1931.	424
320	An Act Appropriating Money for the Operation and Maintenance of Certain of the Boards, Commissions and Departments of the State of Montana for the Period Beginning July 1, 1929, and Ending June 30, 1931.	426
321	An Act Appropriating Money for the Operation and Maintenance of Certain of the Boards, Commissions and Departments of the State of Montana for the Period beginning July 1, 1929, and Ending June 30, 1931.	433
322	An Act to Appropriate Funds for the Operation and Maintenance of Certain of the States Institutions for the Period Beginning July 1, 1929, and Ending June 30, 1931.	440
323	An Act to Appropriate Money for the Operation and Maintenance of Certain of the State Offices of the State of Montana for the Period Beginning July 1, 1929, and Ending June 30, 1931.	445
325	An Act Appropriating Money for the Operation and Maintenance of Certain Boards, Departments and Institutions of the State of Montana for the Year Ending June 30, 1929, the Appropriations made by the Twentieth Legislative Assembly Having been found to be Insufficient.	453

HeinOnline -- 1929 xxix 1929

House Bill	Title	Page
326	An Act to Appropriate Funds for the Payment of a Deficiency Claim of Valley County for Advances made to Ben Olson, Sheriff of Valley County, in Transporting Convicts from Glasgow to Deer Lodge, Montana.	454
327	An Act to Appropriate Money for the Refund of Over-payment of Corporation License Tax in the State of Montana.	455
328	An Act Appropriating Money for the Payment of Deficiency Claim of National Electric Company for Labor and Material Furnished at State School of Mines at Butte, Montana.	455
337	An Act Appropriating Money for the State Highway Commission for the Period Beginning July 1, 1929 and Ending June 30, 1931.	456
339	An Act Appropriating Money for the Payment of Renewal Premiums for Fire Insurance on State Buildings and Contents thereon for a Three Year Period.	457
340	An Act Appropriating Money for the Use and Benefit of the State Board of Equalization in Carrying out the Provisions of Law Relating to the Collection of Gasoline License Taxes and Rebates thereof.	457
341	An Act Appropriating Money for the Operation and Maintenance of the Six Units of the University of Montana, for the Regional Summer School at Miles City, and for Students Railroad Fare Refund for the Period Beginning July 1, 1929, and Ending June 30, 1931.	459
342	An Act Appropriating Money for the Operation and Maintenance of the Vocational School for Girls for the Period Beginning July 1, 1929, and Ending June 30, 1931.	462
343	An Act Appropriating Money for the Operation and Maintenance of the Railroad Commission and Ex-officio Departments thereunder for the Period Beginning July 1, 1929, and Ending June 30, 1931.	463
344	An Act Appropriating Money for the Operation and Maintenance of the Department of Agriculture, Labor and Industry, and for the Montana State Fair for the Period Beginning July 1, 1929, and Ending June 30, 1931.	467
347	An Act Appropriating Money for the Operation and Maintenance of the Vocational School for Girls for the Year Ending June 30, 1929, the Appropriations made by the Twentieth Legislative Assembly having been Found to be Insufficient.	471
348	An Act to Appropriate Money for the Payment of Per Diem to the Officers and Attaches of the Twenty-First Legislative Assembly of the State of Montana.	472
349	An Act Appropriating Money for the Two Years Beginning July 1, 1929, and Ending June 30, 1931, for the Payment of Refunds or Drawbacks Under the Provisions of House Bill No. 149 of the Twenty-First Legislative Assembly of the State of Montana, Relating to Refunds of License Taxes Paid by Dealers in Gasoline.	472

MEMORIALS AND RESOLUTIONS

Bill	Title	Page
House Joint Memorial No. 1	Memorial to the Congress of the United States of the United States, Requesting the Enactment of such Legislation as may be Necessary to Protect the Beet Sugar Industry.	473
House Joint Memorial No. 2	Memorial to the Congress of the United States Requesting the Enactment of such Legislation as may be Necessary to Protect the Livestock Industry.	474
House Joint Memorial No. 3	Memorial to the Congress of the United States Designating the Late Charles Marion Russell as a Distinguished and Illustrious Citizen of the State of Montana, and Requesting a Suitable Place be Provided in the National Statuary Hall for a Statue of the said Deceased.	475

HeinOnline -- 1929 xxx 1929

Bill	Title	Page
House Joint Memorial No. 4	A Memorial to the Congress of the United States Requesting that Speedy Consideration be given Claims of the Indian Tribes herein Mentioned and that the Comptroller General be Directed to Submit his Data on the Compilation of the Counter Claims of the United States against said Indian Tribes.	476
House Joint Memorial No. 5	Memorial to the Congress of the United States, Requesting the Enactment of such Legislation as may be Necessary to Protect the Poultry Industry.	477
House Joint Resolution No. 1	A Concurrent Resolution Memorializing Congress to Pass and the President to Approve at this Session House Resolution 14665 by Colton, as amended.	478
House Joint Resolution No. 2	Respecting time at which President and Vice-President and Members of Congress shall assume Official Duties.	480
House Joint Resolution No. 3	A Resolution giving the Assent of the State of Montana to the Act of the Congress of the United States of May 22, 1928, Providing for Further Development of Agricultural Extension Work Between the Agricultural Colleges in the Several States and the United States Department of Agriculture.	480
House Joint Resolution No. 4	To Highway Commission of State of Montana	481
House Joint Resolution No. 6	A Resolution Giving the Consent of the Twenty-First Legislative Assembly of the State of Montana to LeRoy A. Foot, Attorney General of the State, to Absent Himself from the State for more than Sixty (60) Consecutive Days.	482
Senate Joint Memorial No. 1	Memorial to the Congress of the United States, to Enact such Legislation as will Permit the Owners of Land in the Upper Milk River Irrigation Districts, to Enter into Contracts Permitting Payments for the St. Marys Diversion Charges, to be made in Forty Years, and to Allow Deduction of Nonproductive Land.	482
Senate Joint Memorial No. 2	A Resolution Memorializing Congress for the Passage of Necessary Legislation Providing for an Increase of the Tariff on Manganese and Related Ores.	484
Senate Joint Memorial No. 4	A Memorial to the Honorable Secretary of Agriculture of the United States Advocating the Establishment and Promulgation of Grades and Standards of Wheat which shall take into Account its Protein Content.	486
Senate Joint Memorial No. 5	A Resolution Memorializing Congress for the Passage of Necessary Legislation Providing for an Increase of the Tariff on Plumbago, Graphite and Graphite Ores.	487
Senate Joint Memorial No. 6	A Resolution Memorializing the Senate of the United States for Early Passage of the Special Resolution by Senator Capper Directing the Senate Interstate Commerce Committee to take Immediate Action Relative to the Special Export Rates on Grain.	488
Senate Joint Memorial No. 7	A Resolution Memorializing the Congress of the United States Requesting the Passage of Necessary Legislation Providing for an Increase of the Tariff on Flaxseed and Flaxseed Products.	489
Senate Joint Memorial No. 8	Memorial to the Congress of the United States of America Directing Attention to the Great Need for Authorizing the Appropriation of Adequate Moneys for the Construction and Maintenance of Fire Lanes, Telephone Lines, Roads and Trails and other Improvements Necessary for the Prevention of Fires on the Forested Areas of Montana, and for the Con-	

HeinOnline -- 1929 xxxi 1929

Bill	Title	Page
	struction of Stock Driveways, Stockwatering Places and other Similar Improvements Desirable for Range Management.	490
Senate Joint Resolution No. 1	Protesting against taking of Glacier Park Property by United States.	491
Senate Joint Resolution No. 2	A Resolution Concerning a Uniform Law for High Schools in the State of Montana and Asking for a High School Survey Commission to be Appointed by the State Board of Education.	492

CONSTITUTIONAL AMENDMENT

An Act Providing for the Submission to the Qualified Electors of the State of Montana of An Amendment to Section 4 of Article XVI of the Constitution of Montana, Relating to County Commissioners; Providing for the Division of Counties into Commissioners Districts; Providing for the Election of One Commissioner from Each of said Commissioners Districts. 497

HeinOnline -- 1929 xxxii 1929

SESSION LAWS

CHAPTER 1.

An Act to Amend Section 1294 of the Revised Codes of Montana, 1921, as the Same was Amended by Chapter 126 of the Session Laws of the Eighteenth Legislative Assembly of the State of Montana Respecting the Requirement of District and High School Boards of Trustees in the Appointment of a Superintendent.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1294 of the Revised Codes of Montana, 1921, as amended by Chapter 126 of the Session Laws of the Eighteenth Legislative Assembly of the State of Montana, be, and the same is hereby amended so as to read as follows:

Section 1294. **Superintendent of City and County High Schools—Appointment.** Whenever, the Board of Trustees of the school district in which a county high school is located, and the Board of Trustees of such county high school shall deem it for the best interests of said schools, they may form a joint board, and appoint a person to be known as superintendent of city and high schools, who shall supervise the operation of both high school and city schools in such district.

Superintendent, how appointed.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 8, 1929.

CHAPTER 2.

An Act to Amend Section 4805 of the Revised Codes of Montana of 1921 Relating to Duties of County Clerk and Recorder on Receipt of Instrument to be Recorded, and Providing for Additional Information in Connection Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4805 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

HeinOnline -- 1929 1 1929

Duties of Recorder.

Section 4805. When any instrument, paper, or notice, authorized by law to be recorded, is deposited in the office of the County Clerk, as ex-officio Recorder, for record accompanied by the required fee, he must indorse upon the same the time it was received, noting the year, month, day, hour and minute of its reception, and must record the same without delay, together with the acknowledgment, proofs, and certificates written upon or annexed to the same, with the plats, surveys, schedule, and other papers thereto annexed, in the order and as of the time when the same was received for record, and must note at the foot of the record the exact time of its reception.

Requirements for recording.

The County Clerk shall not receive for recording any deed, mortgage, or assignment of mortgage unless the Post Office address of the grantee, mortgagee or assignee of the mortgagee, as the case may be, is contained therein.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 8, 1929.

CHAPTER 3.

An Act to Amend Section 1916 of the Revised Codes of the State of Montana of 1921, as Amended by Chapter 70 of the 1925 Session Laws, Authorizing the Redemption of Certain Bonds Held by the State before the Dates on Which the Same Become Optional or Redeemable According to the Terms and Conditions Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 1916 of the Revised Codes of the State of Montana of 1921, as amended by Chapter 70 of the 1925 Session Laws, is hereby amended and re-enacted to read as follows:

Redemption of bonds.

Section 1916. The State Board of Land Commissioners and the officers acting for or under this Board shall permit any school district, town, city or county to pay and redeem one or more of its bonds held by the State for the credit of any fund under the investment administration of the said Board at any time before maturity; but in calculating the unpaid interest accrued on any such bond or bonds at the time of such payment and redemption,

Interest, how computed.

HeinOnline -- 1929 2 1929

interest for a fractional month shall be calculated and collected for a full month.

Payment and redemption of such bonds shall be made at the office of the State Treasurer unless the bonds by their own terms and provisions are made payable at some other place and payment at his office would be disadvantageous to the redemptioner. When such bonds have been so paid and redeemed, the State Treasurer shall effectually cancel the bonds and the attached coupons by perforation or otherwise and mail to the proper treasurer together with his receipt.

Where payable.

How cancelled.

This Section shall not be so construed, however, as to authorize or permit any school district, town, city or county to issue refunding bonds for the purpose of paying and redeeming any bond or bonds held by the State before the optional or redeemable date therein stated, nor to grant the right to pay any such bond or bonds held by the State before the optional or redeemable date from the proceeds of refunding bonds, except as provided in Section 7 of Chapter 147 of the 1927 Session laws.

Refunding bonds.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 9, 1929.

CHAPTER 4.

An Act to Amend Section 439 of the Revised Codes of Montana of 1921, as Amended by Chapter 124 of the Session Laws of Montana of 1925, Providing for Salaries of Janitors, Watchmen and Engineers at the State Capitol, and Providing for the Salary of a Carpenter Employed at the State Capitol.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 439 of the Revised Codes of Montana of 1921, as amended by Chapter 124 of the Session Laws of Montana of 1925, be, and the same hereby is amended to read as follows:

Section 439. From and after the passage of this Act, the salaries of watchmen, and utility men employed in

Watchmen, salary.

HeinOnline -- 1929 3 1929

the State Capitol building at Helena, Montana, shall be the sum of One Hundred and Twenty-Five Dollars ($125.00) per month. The salaries of Janitors shall be One Hundred and Twenty-Five Dollars ($125.00) per month. The engineers employed at the power house of the State Capitol shall be paid the sum of One Hundred Fifty-Two Dollars ($152.00) per month, and the head engineer and carpenter shall be paid the sum of One Hundred Seventy Dollars ($170.00) per month.

Janitor, salary.

Engineer and carpenter, salary.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 9, 1929.

CHAPTER 5.

An Act Amending Section 3186 of the Revised Codes of Montana, 1921, As Amended by Section 1 of Chapter 91 of the Laws Enacted by the Twentieth Legislative Assembly of the State of Montana, to Exclude Therefrom the Drug Mariahuana (Cannabis Indica).

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3186 of the Revised Codes of Montana, 1921, as amended by Section 1 of Chapter 91 of the Laws enacted by the Twentieth Legislative Assembly of the State of Montana be, and the same is hereby amended, to read as follows:

Section 3186. **Sale of Opium, Morphine, and Their Derivatives.** It shall be unlawful for any person to sell, furnish, or dispose of any opium, morphine, alkaloid-cocaine, or alpha or beta eucaine, or codeine or heroin, or any derivative, mixture, or preparation of any of them, except upon the signed prescription of a physician or veterinarian duly licensed under the laws of this state, which prescription shall be retained by the person dispensing the same, shall be filled but once, and of which no copy shall be taken by any person, except as hereinafter provided. The person dispensing the same at the time thereof shall indorse on the back of such prescription the name, street, and house number of the person to whom dispensed; and the proprietor or manager of the store where dispensed shall keep all such prescriptions in a permanent file, separate from all other

Requirements.

Name and address of buyer.

HeinOnline -- 1929 4 1929

prescriptions, in his place of business, for the period of two years after the same shall have been dispensed, and shall at any time allow the same to be inspected and copies thereof to be made by any peace officer, the prosecuting attorney of the county where sold, or any authorized inspector of drugs; provided, that nothing herein contained shall prohibit any manufacturer or licensed druggist from selling or delivering any of the above named to a person known to be a licensed physician, licensed veterinarian, or licensed druggist, nor prohibit a physician from dispensing the same in good faith to his patients, nor prohibit the sale of patent or proprietary or medicinal preparations containing opium or morphine, in combination or compounds with other active elements, where the dose of opium is less than one-quarter grain, or morphine not more than one-twentieth grain, or codeine not more than one-quarter grain, or heroin not more than one-twelfth grain.

File period.

Inspection.

Licensed physicians, veterinarians, druggists.

Limitations.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 11, 1929.

CHAPTER 6.

An Act to Regulate the Production, Use, Sale, Dispensing and Possession of Mariahuana (Also Known as Cannabis Indica, Cannabis Sativa and Indian Hemp), or Any Derivative, Mixture or Preparation thereof, Providing Penalties for the Violation of the Provisions hereof, and Repealing All Acts and Parts of Acts in Conflict herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. No person save as in Section 3 hereof provided shall produce, grow, use, possess, sell, furnish or otherwise dispose of any mariahuana (also known as Cannabis Sativa, Cannabis Indica and Indian Hemp), or any derivative, mixture, or preparation thereof, for any purpose whatsoever.

Section 2. No person shall knowingly permit any mariahuana (also known as Cannabis Sativa, Cannabis Indica and Indian Hemp), or any derivative, mixture, or preparation thereof, to be grown, used, possessed, sold,

HeinOnline -- 1929 5 1929

furnished or otherwise disposed of save as in Section 3 hereof provided, on any premises of which he is the occupant or owner in fee or as lessor or lessee, or otherwise.

Druggist or physician or surgeons rights.

Section 3. Nothing herein contained shall prohibit any wholesale or retail druggist, duly licensed as such under the laws of the State of Montana, or any physician or surgeon, duly licensed under the laws of the State of Montana to practice his profession as such, from possessing mariahuana in the ordinary and the usual course of his business or profession as the case may be; nor is any wholesale or retail druggist, regularly licensed as such under the laws of the State of Montana, prohibited hereby from selling or furnishing to such a licensed physician or surgeon, or licensed druggist, mariahuana, or any derivative, mixture or preparation thereof, in the usual and ordinary course of such druggist's business, or of the practice of the profession of any such physician or surgeon; nor is any physician or surgeon, so licensed under the laws of this State, prohibited hereby from prescribing or dispensing mariahuana, or any derivative, mixture, or preparation thereof, in good faith and in the usual and ordinary course of the practice of his profession; nor is the sale of patent or proprietary or medicinal preparations, in which mariahuana is present in quantities not greater than one-fourth grain of the solid extract to the fluid or avoirdupois ounce prohibited hereby.

Limitations.

Section 4. Any violation of the provisions of this Act, or of any part thereof, shall be a misdemeanor; and any person adjudged guilty thereof shall be punished by a fine of not more than Five Hundred Dollars ($500.00), or by imprisonment in the County Jail for not more than six months, or by both fine and imprisonment.

Penalty.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved February 12, 1929.

HeinOnline -- 1929 6 1929

CHAPTER 7.

An Act to Amend Section 6521 Revised Codes of Montana, 1921, Concerning Regulations Affecting Railroad Corporations Operating Within the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6521, Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

6521. If any railroad corporation within this state shall ask, charge, or demand any exorbitant rate of compensation for the transportation of any freight, baggage, express matter or passenger, or make any unjust discrimination in its rates, or shall neglect to provide comfortable and convenient cars or coaches for the transportation of its passengers and their baggage, or safe cars for the transportation of express matter and freight, or shall use any highly inflammable oils for lighting any car on its passenger trains, or shall wilfully neglect to keep a table of its passenger tariff and rates of freight conspicuously posted in each depot within this state, or fail to light its track in any city in this state, or shall transport within this state on any of its passenger cars any oil of vitrol, gunpowder, lucifer matches, nitroglycerine, glynon oil, nytroleum or blasting-oil, or nitrate oil, or powder mixed with any such oil, or fibre saturated therewith, or duolin or giant powder, or blasting powder, or any other goods of a dangerous nature, or in any incorporated city or town in this state run any train at a rate of speed forbidden by the laws of this state, or the ordinances of such city or town, or run any train over any unsafe bridge, trestlework, or aqueduct in this state; or fail to have upon any locomotive in use by it in this state a bell and whistle in fit condition for use thereon; or shall permit any locomotive to approach any highway, road, or railroad crossing, without causing the whistle to be sounded at a point between fifty and eighty rods from the crossing, and the bell to be rung from said point until the crossing is reached; or shall wilfully fail to make any report herein required, or which may be hereafter required by any law of this state, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined for the first offense in the sum of one thousand dollars, and for the second violation of the

Exhorbitant rates.

Car requirements.

Posting of rates.

Track lighting.

Dangerous materials.

Rate of speed.

Bell or whistle.

Warning.

Reports.

Penalty.

HeinOnline -- 1929 7 1929

same provision, two thousand dollars, and for every other and further violation of any provision of which it has been twice before found guilty, a sum not less than five nor more than ten thousand dollars.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 15, 1929.

CHAPTER 8.

An Act to Amend Section 352 of the Revised Codes of Montana of 1921, as Amended by Section 5 of Chapter 40 of the Session Laws of the Eighteenth Legislative Assembly and Section 361 of the Revised Codes of Montana 1921, as Amended by Section 11, Chapter 40 of the Session Laws of the Eighteenth Legislative Assembly, Relating to Hail Insurance, Providing for the Payment of Losses and Fixing the Amount that may be Levied for the Reserve Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 352 of the revised codes of Montana of 1921, as amended by section 5 of Chapter 40 of the Session Laws of the Eighteenth Legislative Assembly, be and the same is hereby amended to read as follows:

Provisions.

Section 352. In making the levy provided in the preceding section the State Board of Hail Insurance shall provide for:

Expenses.

1. The payment of all expenses of administration, together with all interest owed or to be owing on registered warrants.

Current year losses.

2. For that portion of the losses incurred during the current year which are not paid from funds drawn from the reserve fund.

Reserve fund.

3. For the maintenance of the reserve fund, a part of all of which may be used in any one year for the purpose of paying the costs of administration, interest on the warrants and losses as the same shall be settled and adjusted by the said Board including the losses sustained in any prior year or years under the State Hail Insur-

Adjustment.

HeinOnline -- 1929 8 1929

ance law during or subsequent to the year 1919 that have not been paid.

Whenever the losses together with the expenses and costs of administration in any one year shall amount to a less amount than the sum of seventy five cents (75c) per acre for every acre of grain insured and a proportionate amount on hay crops, The State Board of Hail Insurance may levy such amount as they may consider proper and just for the purpose of providing a reserve fund, providing, however, that such levy when added to the amount necessary to pay costs of administration, interest and losses for the current year shall not exceed the sum of seventy five cents (75c) per acre on lands sown to grain crops and a proportionate amount on hay crops and provided further that in any one year there shall not be added to the reserve fund an amount greater than the sum of five per cent (5%) of the total risk for that particular year and provided further, that the amount of said reserve fund shall not exceed the sum of one million dollars. The reserve fund hereby created shall be a continuous fund and the State Board of Hail Insurance is hereby granted the power to draw from said fund such amounts as it may deem necessary for the pur pose of paying costs of administration,. interest and losses, and provided further, that whenever there are no unpaid losses for prior years and whenever in any one year the cost of administration, interest and losses for the current year shall be less than the sum of fifty cents (50c) per acre on land sown to grain crops, and a proportioned amount on hay crops, the State Board of Hail Insurance shall not draw on the reserve fund for any purpose unless the amount required for the payment of losses for the current year, interest on warrants and costs of administration shall exceed the amount of the estimate made by the State Board of Hail Insurance.

Less than 75c per acre.

Over 75c per acre.

Continuous fund.

When less than 50c per acre.

Section 2. That Section 361 of the Revised Codes of Montana of 1921, as amended by Section 11, Chapter 40 of the Session Laws of the Eighteenth Legislative Assembly, be and the same is hereby amended to read as follows:

Section 361. The State Board of Hail Insurance shall, as soon as practicable after the loss has been sustained, arrange for the payment of the losses as follows: From the amount of the loss as adjusted for each claimant the

Payment of losses.

HeinOnline -- 1929 9 1929

State Board of Hail Insurance shall deduct the amount the claimant then owes as delinquent hail insurance tax and the maximum amount assessed as hail insurance tax for the current year, and shall make settlement within forty (40) days from the time loss is sustained in the following manner: By paying, either by registered warrant or otherwise if funds are immediately available, fifty per cent of the total loss as agreed on, less, however, the maximum rate of the assessment; balance to be paid at the expiration of the hail season. The State Board of Hail Insurance, shall on or before November first, order the State Auditor to draw a warrant for the amount so deducted on the State Hail Insurance Fund, which warrant shall be remitted to the county treasurer of the county in which the tax was assessed. The State Board of Hail Insurance shall then order the State Auditor to draw a warrant on the State Hail Insurance Fund for the balance of the adjustment which warrant shall be sent to the claimant; provided, however, that in no case shall the payment for loss exceed Ten Dollars ($10.00) per acre for grain crops, and Five Dollars ($5.00) per acre for hay crops; provided, further, that no claimant shall receive payment for any loss incurred where said loss does not exceed five per cent (5%) of the total value of the crop insured. Also if the losses in any year should exceed the current levy plus the reserve fund, if any, then the payment of all losses shall be prorated share and share alike among all grain growers having loss claims adjusted and approved, and the unpaid balance of said losses shall be paid out of the Reserve fund without interest in such order as the State Board of Hail Insurance shall direct, when in the judgment of the said Board there are in said fund sufficient moneys to provide for the payment of the same and other items payable out of said funds. In any year the State Board of Hail Insurance may by resolution authorize its chairman and secretary to borrow as needed from any person, bank or corporation such sum or sums of money as the State Board may deem necessary to carry on the business of the department and for the purpose of paying all warrants as issued. For any monies borrowed under the provisions of this Act, the State Board of Hail Insurance shall cause warrants to be drawn against the State Hail Insurance Fund and said warrants shall bear interest at not to exceed six per cent (6%) per annum and said warrants and the interest thereon shall be paid out of funds

When.

How.

Warrants, how drawn.

Proviso.

Limitations.

Prorated losses.

Borrowing money.

Warrants.

Interest.

HeinOnline -- 1929 10 1929

from the State Hail Insurance Department as they are collected from the various counties in the State. The State Board of Hail Insurance shall not at any time borrow a total sum greater than the amount of the levies as made for taxes for the current year together with such delinquent taxes as remain unpaid on the books of the County Treasurer. The State Board of Examiners is hereby empowered to invest surplus money belonging to any fund in the warrants of the Hail Insurance Fund.

Limitations on borrowed money.

Investment of surplus.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 13, 1929.

CHAPTER 9.

An Act to Authorize the Issuance of Free Transportation by Common Carriers of Passengers to Furloughed Employees and their Families, to Disabled or Infirm Employees, to the Families of Disabled or Infirm Employees, to the Widows and Minor Children of Employees who were Killed or Died in the Service of such Common Carriers, to Witnesses, for Remains of Persons who Died in Service and to Ex-employees Traveling for Purpose of Entering Service of a Common Carrier.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That common carriers of passengers in this state authorized by Section 6573, Revised Codes of 1921, to issue free transportation to certain classes of persons may also issue free transportation to their furloughed employees and members of their families, to persons who have become disabled or infirm in the service of a common carrier, to members of families of persons who have become disabled or infirm in the service of any such common carrier, to families of persons killed, and widows during widowhood and minor children during minority, of persons who died while in the service of any such common carrier, to witnesses attending any legal investigation in which such carrier is interested, for the remains of persons who died while in the employment of a common carrier, and to ex-employees traveling for the purpose of entering the service of any such common carrier; provided that the provisions hereof shall not be construed to

Free transportation.

When and how issuable.

Proviso.

HeinOnline -- 1929 11 1929

prohibit or make unlawful the interchange of passes for the persons to whom free transportation may be furnished under this section.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 13, 1929.

CHAPTER 10.

An Act to Amend Section 4482 of the Revised Codes of Montana of 1921 Relating to Contracts for Public Printing, Fixing the Prices Therefor, and Providing a Penalty for Violation of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4482 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

Printing contracts of County Commissioners.

Section 4482. It is hereby made the duty of the County Commissioners of the several counties of the State of Montana to contract with some newspaper, printed and published at least once a week, and of general circulation, printed and published within the County, and having been printed and published continuously in such County at least one year immediately preceding the awarding of such contract, to do and perform all the printing for which said counties may be chargeable including all legal advertising required by law to be made, blanks, blank books, stationery, election supplies, loose leaf forms and devices, official publications, and all other printed forms required for the use of such counties at not more than the following prices:

OFFICIAL PUBLICATIONS AND LEGAL ADVERTISING.

Prices.

For every folio or fraction thereof, one dollar and fifty cents shall be paid for the first insertion thereof, and fifty cents per folio for each subsequent insertion required by law to be made. For rule and figure work, two dollars per folio or fraction thereof, for the first insertion, and fifty cents per folio for each subsequent insertion

HeinOnline -- 1929 12 1929

thereof, required by law to be made. That for the purpose of establishing a basis of measurement one column thirteen ems wide and one inch in depth, when set in solid six point type shall constitute a folio; one column thirteen ems wide and one and two-tenths inches in depth when set in solid seven point type shall constitute a folio; one column thirteen ems wide and one and four-tenths inches in depth when set in solid eight point type shall constitute a folio; one column thirteen ems wide and one and five-tenths inches in depth when set in solid ten point type shall constitute a folio.

Folios, what constitute.

ENVELOPES.

Envelopes

	500	1000	Addl. 1000
6¾ White Wove, 24 sub.	$3.00	$5.00	$4.00
10 White Wove, 28 sub.	3.75	6.50	5.50
6¾ Manilla, 20 sub.	2.50	4.00	3.00
10 Manilla, 28 sub.	3.00	5.00	4.00
12 Manilla, 28 sub.	4.00	6.25	5.75

LETTERHEADS.

Letterheads.

	500	1000	Addl. 1000
Letterheads, 8½x11, 20 sub. White Bond	$5.25	$7.50	$4.50
Letterheads, 8½x11, 16 sub. White Bond	4.75	7.00	4.00

LEGAL BLANKS.

Legal Blanks.

	250	500	1000	Addl. 1000
⅛ Sheet, 3½x8½, printed one side..	$3.75	$4.25	$6.50	$5.00
⅛ Sheet, 3½x8½, printed two sides	5.50	6.50	9.50	6.00
¼ Sheet, 7x8½, printed one side	4.75	5.75	8.50	6.00
¼ Sheet, 7x8½, printed two sides	7.50	8.50	11.50	8.00
½ Sheet, 8½x14, printed one side	8.75	10.25	14.00	8.50
½ Sheet, 8½x14, printed two sides	12.00	13.50	20.00	10.00
Full Sheet, 8½x28, printed one side	13.25	15.25	24.00	14.00
Full Sheet, 8½x28, printed two sides	21.75	23.75	31.50	15.00
Full Sheet, 17x14, printed one side	18.00	20.00	26.00	14.50
Full Sheet, 17x14, printed two sides	28.00	30.00	38.00	15.00

The above prices are based on blank or marginal ruled stock, 20 sub., padded or loose.

HeinOnline -- 1929 13 1929

BILL HEADS

Bill heads.

	500	1000	Addl. 1000
No. 6—8½x4 2/3	$3.00	$4.75	$3.75
No. 4—8½x7	3.25	5.00	4.00
No. 2—8½x14	4.25	6.50	5.50

The above prices are based on ruled flat writing paper, 20 sub., padded or loose.

	1000	Addl. 1000
Assessment lists, 24 page book form, complete	$97.50	$27.50

RECEIPTS, WARRANTS AND LICENSES.

Receipts, warrants, licenses.

	1000	Addl. 1000
General receipts or school warrants—with stub, 3⅛x14, printed one color ink, 20 sub. bond paper, numbered, perforated and bound in books of 100 sheets each	$12.25	$7.00
General receipts in duplicate, 3½x8½, printed one color ink, 16 sub. bond paper, numbered, perforated, gathered, and bound in books of 50 original and 50 duplicate each	$16.25	$12.00
Poor or road tax receipts in one color ink, 16 sub. bond paper, numbered, perforated, and bound in books of 50 receipts each	$12.50	$7.00
Poor or road tax receipts in two colors ink, 16 sub. bond paper, numbered, perforated and bound in books of fifty receipts each	$14.50	$9.00
Licenses, 8½x14, one color ink, 20 sub. bond paper, numbered, perforated and bound in books of 100	$24.00	$17.00
Licenses, 8½x14, two colors ink, 20 sub. bond paper, numbered, perforated, and bound in books of 100	$27.50	$21.00
Tax receipts, 9¼x11 3/4 in quintuple, different color paper for each sheet, one color ink, numbered, gathered, perforated and bound in books of 50 sets each	$68.25	$46.75
Tax receipts, 10 3/4x16 3/4, in quintuple, different color paper for each sheet, one color ink, numbered, gathered, perforated and bound in books of 50 sets each	$77.00	$51.50

Tax receipts.

HeinOnline -- 1929 14 1929

Delinquent tax receipts, $9\frac{1}{4}$x$11\frac{3}{4}$, in triplicate, different color paper for each sheet, one color ink, numbered, gathered, perforated and bound in books of 50 sets each	$37.50	$30.00
Printed warrants one color ink, four warrants on a sheet, duplicate or fold over style, perforated, numbered, gathered and punched for loose leaf binder, per 1000 warrants	$37.50	$30.00
For binding 1000 warrants as described above, check binding, 1 book	$2.50	.....
Half bound, 1 book	4.50	.....

Warrants.

ELECTION SUPPLIES

Envelopes for poll books, each	25c
Envelopes for tally sheets, each	25c
Envelopes for voted ballots, each	45c
Envelopes for unused ballots, each	45c
Envelopes for return of election books	45c
Envelopes for precinct registers	45c
Envelopes for return of election	10c
Envelopes for absent voters, 200, $12.00; additional 100	$3.50
Tally books, each	1.75
Poll books, each	1.75

Election supplies.

	1000	Addl. 1000
Registration cards, 6x4, printed one side, punched	$ 7.00	$5.00
Registration cards, 6x4, printed two sides, punched	$11.00	$7.00
Precinct register sheets, $8\frac{1}{2}$x14 special ruled and printed, both sides, punched, 20 sub. bond paper	$42.00	$14.75
Precinct register sheets, 14x17, special ruled and printed, both sides, punched, 20 sub. bond paper	$60.25	$17.75
Covers for precinct register, $8\frac{1}{2}$x14, 125 lb. tagboard, cover printed, back cover plain, both punched, per 50 sets		$6.50
Additional 50 sets		4.50
Covers for precinct register, 14x17, 125 lb. tagboard, cover printed, back cover plain, both punched, per 50 sets		8.50

HeinOnline -- 1929 15 1929

Additional 50 sets	$6.50
Instructions to voters, 14x22 on 100 lb. tagboard, per 100	$25.00
Additional 100	10.00

List of electors 7c per name. This price includes printing up to 100 copies of each precinct list on 20 lb. bond paper.

	1000	Addl. 1000
Ballots, primary election, complete, including numbering, perforating, assembling, rotated and stitched, per party	$45.00	$35.00
Ballots, general election, complete, including numbering and perforating	$65.00	$35.00
Ballots, initiative and referendum, complete, including perforating and numbering	$10.00	$6.00

BLANK BOOKS MADE TO ORDER.

	4 Quire	5 Quire	6 Quire	7 Quire	8 Quire
Demy 10½x16					
Plain ¾ Russia	$14.65	$16.15	$17.65	$19.15	$20.65
Plain Full Russia	$21.75	$23.25	$24.75	$26.25	$27.55
Printed Head Full Russia	$25.90	$27.40	$28.90	$30.40	$31.90
Printed Page Full Russia	$32.65	$34.90	$37.75	$39.40	$41.25

For each extra heading $3.50, and each extra full page $5.00 shall be charged.

Medium 18x11½.					
Plain ¾ Russia	$18.40	$20.25	$22.50	$24.75	$27.00
Plain Full Russia	$25.90	$27.75	$29.65	$31.50	$33.40
Printed Head Full Russia	$32.25	$35.25	$36.35	$39.00	$41.25
Printed Page Full Russia	$38.25	$40.90	$43.50	$46.15	$48.75

For each extra heading $4.00, and for each extra full page $7.00 shall be charged.

HeinOnline -- 1929 16 1929

Double Cap 17x14.

Plain ¾ Russia	$18.40	$20.25	$22.50	$24.75	$27.00
Plain Full Russia	$25.90	$27.75	$29.65	$31.50	$33.40
Printed Head Full Russia	$32.25	$35.25	$36.75	$39.00	$41.25
Printed Page Full Russia	$38.25	$40.90	$43.50	$46.50	$48.75

For each extra heading $4.00, and for each extra full page $7.00 shall be charged.

Double Demy 16x21.

Plain ¾ Russia	$25.15	$27.40	$29.65	$31.90	$34.15
Plain Full Russia	$40.15	$42.40	$44.65	$47.65	$50.25
Printed Head Full Russia	$46.90	$50.25	$54.00	$57.75	$61.50
Printed Page Full Russia	$48.00	$52.50	$57.00	$61.50	$66.00

For each extra heading $6.00, and for each extra full page $7.50 shall be charged.

Double Medium 18x23.

Plain ¾ Russia	$30.00	$34.50	$38.25	$42.40	$46.50
Plain Full Russia	$47.65	$51.75	$55.90	$60.15	$64.50
Printed Head Full Russia	$53.65	$58.15	$62.65	$67.15	$71.65
Printed Page Full Russia	$56.65	$61.15	$65.65	$70.15	$74.65

For each extra heading $6.00, and for each extra full page $8.00 shall be charged.

Assessment books.

Assessment Books.

¾ Russia, page 21x32	$75.00	$82.50	$90.00	$97.50	$105.00
¾ Russia, page 18x46	$82.50	$90.50	$98.50	$107.00	$115.00

Fractional quires to be computed at full quires. Quires to consist of 80 pages, 40 folio pages, 40 leaves.

HeinOnline -- 1929 17 1929

Prices of other books and printing.

All other blank books and printing not covered herein shall be furnished at prices not in excess of the prices for such work as set forth in the current Franklin Printing Catalog List.

Judgment of commissioners.

The contract shall be let to the newspaper that in the judgment of the County Commissioners shall be most suitable for performing said work, provided, that the County Commissioners shall require of any contractor to

Undertaking.

do such county printing, a good and sufficient undertaking in such sum as said Commissioners may deem advisable, signed by at least two sufficient sureties, conditioned to the effect that said contractor will faithfully perform all the conditions of said contract in accordance with the terms thereof, or in any default thereof, said sureties shall pay the said County the sum mentioned in said undertaking as the penalty thereof; provided that nothing in this Act shall be construed so as to compel the

Unsatisfactory work.

acceptance of unsatisfactory work; also provided, however, that this requirement shall not affect any contract

Prior contracts.

made prior to the passage of this Act. No such contract for printing shall extend for a period of more than two years. All newspapers which may receive any contract for printing under this Act and which may not be able to execute any part of such contract shall be required to sub-let such contract or portion of contract to some

Sub-letting contracts.

newspaper or printing establishment within the State, which shall do the work under contract so sub-let entirely within the state with Montana labor.

Section 2. All prices set forth herein include paper stock specified, all printing, and work complete and delivered at the courthouse.

"Substance" defined.

Section 3. That for the purpose of defining the meaning of the word "substance," used in connection with paper stock mentioned herein, it is understood that all substance weights are to be computed on the basic size 17x22 inches; conforming to the uniform scale of sizes and weights as used by paper manufacturers.

County fairs and expositions.

Section 4. None of the provisions of this Act shall apply to any printing or advertising that may be required in connection with the holding of County fairs and expositions.

HeinOnline -- 1929 18 1929

Section 5. That any violation of this Act shall be deemed a misdemeanor and punished as such. **Penalty.**

Section 6. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 15, 1929.

CHAPTER 11.

An Act to Amend Section 1674 of the Revised Codes of Montana of 1921 and Providing for Abolition of Special Road Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1674 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Special road district.

Whenever any County has been divided into special road districts, as herein provided, when twenty per cent (20%) of the registered electors of the County shall, at least thirty days (30) before any regular school election, petition the Board of County Commissioners for the abolishment of the special road district, and expressing a desire to be governed by the provisions of the general road district law, the Board of Commissioners shall require the question to be submitted at the next special road district election, and if a majority of the qualified electors voting at such election vote in favor of the abolishment of special road districts, the Board of Commissioners shall by resolution declare such special road district to be general road districts, and all directors or other officers shall cease to exercise public duties, or to have any control of roads or highways, except as directed by the Board of Commissioners.

How abolished.

How abolished when created under Chapter 128.

Section 2. Whenever any special road district shall have been organized pursuant to the provisions of Chapter 128 of the Revised Codes of Montana of 1921, such district may be abolished in the following manner.

When fifty-one per cent (51%) of the resident registered electors of said district shall at any time petition the Board of Commissioners for the abolishment of said special road district and that the territory embraced

HeinOnline -- 1929 19 1929

therein be administered under the general road law, the Board of Commissioners shall set a day for hearing said petition not less than twenty days (20) from the filing thereof exclusive of the day of filing, and shall cause notice of said hearing to be published in a newspaper of general circulation in the County in which the district is located once a week for at least two issues of such paper, prior to the date of hearing.

Resolution of commissioners.

Upon such hearing being had, if in the discretion of the Board of Commissioners, it is for the best interest of the said district that the same be abolished, the said Board of Commissioners shall by resolution declare said special road district to be abolished and territory therein contained thereafter to be administered under the general road laws and the Board of Directors or other officers shall cease to exercise public duties or have any control over public roads or highways except as directed by the Board of Commissioners.

Title.

Upon the making and entry of record of such resolution of dissolution, all property of said special road district shall be delivered to and become the property of the County, and all funds to the credit of said special road district shall be transferred to the general road fund and become the property of the County.

Funds.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 16, 1929.

CHAPTER 12.

An Act to Amend Section 5244 of the Revised Codes of Montana 1921, Providing for the Construction of Sidewalks and Curbs Without Formation of Special Improvement District by Allowing Engineering Construction to be Included in the Cost of the Work.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5244 of the Revised Codes of Montana 1921, be, and the same hereby is amended to read as follows:

HeinOnline -- 1929 20 1929

Section 5244. **Construction of Sidewalks and Curbs Without Formation of Special Improvement District.** The City Council may order sidewalks and curbs constructed in front of any lot or parcel of land without the formation of a special improvement district, and whenever the Council shall order any such sidewalk or curb constructed, such order shall be entered upon the minutes of the Council and shall name the street along which said sidewalk or curb is to be constructed. After the making of such order, written notice thereof shall be given the owner or agent of such property, in such manner as the Council may direct. If the owner or agent of such lot or parcel of land shall fail or neglect for a period of thirty days after the date of service of such notice to cause such sidewalk or curb to be constructed, the City may construct or cause such sidewalk or curb to be constructed, and shall assess the cost thereof, including engineering costs and the costs enumerated in Section 5246 of this Code, against the property in front of which the same is constructed.

Order for sidewalks and curbs.

Written notice.

Failure to comply.

When any such sidewalk or curb is constructed by or under direction of the City Council, payment for the construction thereof shall be made by special warrants in such form as may be prescribed by ordinance drawn against a fund to be known as Special Sidewalk and Curb Fund, which warrants shall bear interest at the rate of six per centum (6%) per annum, and the Council may provide for the payment of said interest annually.

Payment for construction.

The payment of assessments to defray the cost of construction of said sidewalks and curbs may be spread over a term of not to exceed eight years, payment to be made in equal annual installments.

When payable.

The City Council shall annually, and before the first Monday of October of each year, pass and adopt a resolution levying an assessment and tax against each lot or parcel of land in front of which sidewalks and curbs have been constructed under orders of the City Council. Said resolution levying such assessment shall be in every manner prepared and certified the same as resolutions levying assessments for the making of improvements in special improvement districts.

Assessment and tax.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 18, 1929.

HeinOnline -- 1929 21 1929

CHAPTER 13.

An Act to Amend Section 5306 of the Revised Codes of Montana 1921, Providing for the Discontinuance of Streets or Alleys by the City or Town Council.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5306 of the Revised Codes of Montana of 1921, be, and the same hereby is amended to read as follows:

Requirements to discontinue streets.

Section 5306. **Council May Discontinue Streets.** The Council may discontinue a street or alley in a City or Town, or any part thereof, upon the petition in writing of all the owners of lots on the streets or alleys, if it can be done without detriment to the public interest; provided that where the street or alley is to be closed for school purposes, a petition signed by seventy-five per cent (75%) of the lot owners on the whole street or alley to be closed, will be required.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 18, 1929.

CHAPTER 14.

An Act to Amend Section 3307 of the Revised Codes of Montana of 1921, Relating to Fees for Recording and Re-recording Marks and Brands and for Certificates or Certified Copies of such Records.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3307 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Fees for recording of brands.

Section 3307. The General Recorder of marks and brands shall charge and collect for recording each mark or brand the sum of Four Dollars ($4.00), and for re-recording each mark or brand the sum of One Dollar ($1.00), and for a certified copy of any such record and each duplicate certificate One Dollar ($1.00), and all fees

HeinOnline -- 1929 22 1929

so collected shall be paid into the Live Stock Commission Fund.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 15, 1929.

CHAPTER 15.

An Act to Amend Section 1 of an Act to Amend and Re-enact Section 7173 of the Revised Codes of Montana, of 1921, as Amended by Section 3 of Chapter 157, of the Session Laws of the Eighteenth Legislative Assembly, and as Amended and Re-enacted in Chapter 116, of the Session Laws of the Twentieth Legislative Assembly, Relating to Irrigation Districts, Salary of Commissioners, Penalty for Interest in Contract and Bonds of Commissioners.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7173 of the Revised Codes of Montana, of 1921, as amended and re-enacted in Section 3 of Chapter 157, of the Session Laws of the Eighteenth Legislative Assembly, and as amended and re-enacted in Chapter 116, of the Session Laws of the Twentieth Legislative Assembly, shall be, and the same is hereby amended to read as follows:

Commissioners salary.

Section 7173. **Salary of Commissioners—Penalty For Interest In Contract—Bonds of Commissioners.** The Commissioners, when sitting as a Board or when engaged in the business of the district, shall each receive not to exceed Five Dollars ($5.00), per day for services, and, in addition thereto, their necessary expenses in attending meetings, or when otherwise engaged on district business, including premiums on qualifying bonds and any other bonds required of them in connection with their office, provided such expenses and per diem be approved by a unanimous vote of said Board.

Interest in contracts.

No Commissioner or any other officer named in this Act shall in any manner be interested directly or indirectly, in any contract awarded or to be awarded by the Board, or in the profits derived therefrom; and for any

HeinOnline -- 1929 23 1929

violation of this provision, such officer shall be deemed guilty of a misdemeanor and his conviction thereof shall work forfeiture of his office and he shall be punished by a fine not exceeding Five Hundred Dollars ($500.00), or by imprisonment in the county jail not exceeding six (6) months or by both such fine and imprisonment.

Penalty.

Commissioners bonds.

The Commissioners of said irrigation district shall each furnish a bond in the penal sum of Twenty-Five Hundred Dollars ($2500.00), with corporate surety conditioned for the faithful performance of their duties under this Act, and the Secretary shall furnish bond, with corporate surety, in the sum of One Thousand Dollars ($1000.00), conditioned for the faithful performance of his duties pursuant to this Act, and for the proper and safe keeping of the records and documents of said district, in all cases where the obligations of said district, either existing or proposed, total Two Hundred and Fifty Thousand Dollars ($250,000.00) or over. In all other cases the Bond for said Commissioners shall be in the sum of One Thousand Dollars ($1000.00).

Secretary's bonds.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 18, 1929.

CHAPTER 16.

An Act to Amend Section 1 of Chapter 100 of the Session Laws of the Twentieth Legislative Assembly of 1927, Defining the Qualifications of Police Officers in the Cities and Towns of the State of Montana, and Repealing All Acts, and Parts of Acts, in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 100 of the Session Laws of the Twentieth Legislative Assembly of 1927, be, and the same is hereby amended to read as follows:

Requirements for police.

Section 1. The members of the Police Department on the active list of any city, at the time of their appointment under this Act, shall not be less than twenty-one years of age, nor more than thirty-five years of age; pro-

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vided, however, that this restriction shall not apply to any present member of any Police Department nor to police reserves, nor to honorably discharged soldiers, sailors, and marines of the United States who were in either the Spanish-American War, the Philippine Insurrection, or the late war with Germany and her allies.

Section 2. All Acts, and parts of Acts, in conflict herewith, are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 19, 1929.

CHAPTER 17.

An Act Concerning Aeronautics and to Provide for the Regulation and Licensing of Aircraft and Airmen and Providing Penalties for Violation Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Definition of aircraft.

Section 1. Aircraft means "any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment.

Definition of airman.

"The term 'airman' means any individual (including the person in command and any pilot, mechanic, or member of the crew) who engages in the navigation of aircraft while under way, and any individual who is in charge of the inspection, overhauling, or repairing of aircraft."

Requirements of aircraft.

Section 2. **(Aircraft, Construction, Design and Airworthiness; Federal License.)** The public safety requiring and the advantages of uniform regulation making it desirable in the interest of aeronautical progress that aircraft operating within this State should conform with respect to design, construction and airworthiness to the standards now, or hereafter to be prescribed by the United States government with respect to navigation of aircraft subject to its jurisdiction, it shall be unlawful for any person to navigate an aircraft within the State unless it is licensed and registered by the Department of Commerce of the United States in the manner prescribed

HeinOnline -- 1929 25 1929

by the lawful rules and regulations of the United States government then in force.

Qualifications and licenses.

Section 3. **(Qualifications of operators; Federal license.)** The public safety requiring and the advantages of uniform regulations making it desirable in the interest of Aeronautical progress that a person engaging within this state in navigating the aircraft described in Section 2 hereof in any form of navigation for which license to operate such aircraft would be required by the United States Government shall have the qualifications necessary for obtaining and holding the class of license required by the United States government. It shall be unlawful for any person to engage in operating such aircraft within this State in any form of navigation unless he have such a license.

Display of license.

Section 4. **(Possession and display of license.)** The certificate of the license herein required shall be kept in the personal possession of the licensee when he is operating aircraft within this State, and must be presented for inspection upon the demand of any passenger, any official of the United States Department of Commerce, any peace officer of this State, or any official, manager, or person in charge of any airport or landing field in this State upon which he shall land.

Sovereignity.

Section 5. **(Sovereignty in space).** Sovereignty in the space above the lands and waters of this State is declared to rest in the State, except where assumed by the United States law.

Space Ownerships.

Section 6. **(Ownership of space.)** The ownership of the space above the lands and waters of this State is declared to be vested in the several owners of the surface beneath, subject to the right of flight described in Section 7.

Flying rights.

Section 7. **(Lawfulness of flight.)** Flight in aircraft over the lands and waters of this State is lawful, unless at such a low altitude as to interfere with the then existing use to which the land or water, or the space over the land or water, is put by the owner, or unless so conducted as to be imminently dangerous to persons or property lawfully on the land or water, or in violation of the air commerce regulations which have been, or may hereafter be, promulgated by the Department of Commerce of the United States. The landing of an aircraft on the lands

Landing.

HeinOnline -- 1929 26 1929

or waters of another, without his consent, is unlawful, except in the case of a forced landing. For damages caused by a forced landing, however, the owner or lessee of the aircraft or the airman shall be liable for actual damage caused by such forced landing.

Section 8. **(Penalties.)** A person who violates any provision of this Act shall be guilty of a misdemeanor and punishable by a fine of not more than $500.00 or by imprisonment for not more than 6 months, or both. Penalties.

Section 9. **(Uniformity or interpretation.)** This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it and to harmonize, as far as possible, with Federal laws and regulations on the subject of aeronautics. Interpretation.

Section 10. This Act may be cited as the Uniform State Law for Aeronautics.

Section 11. All Acts, or parts of Acts, which are inconsistent with the provisions of this Act are hereby repealed.

Approved February 18, 1929.

CHAPTER 18.

An Act to Amend Section 6903 of the Revised Codes of Montana of 1921 Relating to the Recovery of Damages and Attorney Fees in Actions to Obtain a Release of an Oil and Gas Lease which has Become Forfeited.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6903 of the Revised Codes of Montana of 1921 be amended to read as follows:

"Section 6903. Should the owner of such lease neglect or refuse to execute a release as provided by this Act, then the owner of the leased premises may sue in any court of competent jurisdiction to obtain such release, and he may also recover in such action of the lessee, his successor or assigns, the sum of one hundred dollars as damages, and all costs, together with a reasonable attorney's fee for preparing and prosecuting the suit, and he may also recover any additional damages that the evidence in Release of Oil Leases. Attorney fees, damages.

HeinOnline -- 1929 27 1929

the case will warrant. In all such actions writs of attachment may issue as in other cases. If, in such action, the plaintiff fails to establish the forfeiture of the lease, an attorney's fee must be allowed to the holder of the lease. Issues in regard to such fees shall be determined in the same manner as other issues in such actions."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act will be in full effect from and after its passage and approval.

Approved February 18, 1929.

CHAPTER 19.

An Act to Amend Section 9799 of the Revised Codes of Montana of 1921 as Amended by Chapter 69 of the Laws of the 19th Legislative Assembly Relating to the Allowance of Attorney Fees on Foreclosure of Liens.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9799 of the Revised Codes of Montana of 1921 as amended by Chapter 69 of the laws of the 19th Legislative Assembly, be amended to read as follows:

"Section 9799. In an action to foreclose any of the liens provided for by Section 8318 to 8350 and Sections 8375 to 8377 of the Revised Codes of Montana of 1921, and amendments thereto, the court must allow as costs the money paid for filing and recording the lien, and a reasonable attorney's fee in the District and Supreme Courts, and such costs and attorneys fees must be allowed to each claimant whose lien is established, and such reasonable attorney's fees must be allowed to the defendant against whose property a lien is claimed, if such lien be not established."

Costs and attorney's fees.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act will be in full force and effect from and after its passage and approval.

Approved February 20, 1929.

HeinOnline -- 1929 28 1929

CHAPTER 20.

An Act Amending Sections 8366 and 8367 of the Revised Codes of Montana 1921, Relating to Liens of Threshermen and Owners of Combined Harvesters and Threshers upon Grains or Crops and Claims for such Lien, When, Where and How Filed and the Service of Notice.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8366 of the Revised Codes of Montana 1921, be and the same is hereby amended to read as follows:

Section 8366. **Liens of threshermen and owners of combined harvester and thresher upon grain or crops.** All threshermen owning or operating threshing machines, and all owners of combined harvester and threshers, shall have a lien upon the grain and other crops threshed by said threshing machine or cut and threshed by said combined harvester and thresher, for and on account of the services rendered and the labor performed by them on said grain and crops.

Thresherman's liens.

Section 2. That Section 8367 of the Revised Codes of Montana 1921, be and the same is hereby amended to read as follows:

Section 8367. **Claim of lien, when, where and how filed, service of notice.** Every person intending to avail himself of the benefits of this Act must file with the County Clerk of the county in which said grain or other crops were grown, within sixty days after the last service was rendered or labor performed in the threshing of said grain or other crops, or the cutting and harvesting and threshing by said combined harvester and thresher, a just and true account of the amount due him or them for such services or labor, after allowing all just credits and offsets and containing a correct description of the grain or other crops to be charged with such lien, the price agreed upon for such threshing or cutting and harvesting, the name of the person, firm or corporation for whom such labor and services were performed, and a description of the lands as nearly as possible, upon which said grain or other crops were raised, and a description of the legal sub-division of land upon which

Lien, how created.

HeinOnline -- 1929 29 1929

said grain is stored, and if said grain is stored in an elevator, the locality of the said elevator, which statement of facts shall be verified by affidavit of the person claiming such lien, or his duly authorized agent or attorney, having knowledge of the facts; and any error or mistake in the account or description of the grain or other crops or of the property upon which it was raised, shall not invalidate said lien. If the grain or other crops so threshed, cut, harvested and threshed are being hauled from the machine or combine direct to the elevator or to any other purchaser, then the threshermen or owner of the combine desiring to claim such lien shall also serve written notices upon the elevatorman or other private purchaser, that he will claim or hold a lien upon said grain or other crops for his services or labor performed in threshing, or cutting and threshing the same.

Notices.

Section 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved February 21, 1929.

CHAPTER 21.

An Act Amending Chapter 102 of the Session Laws Twentieth Legislative Assembly of the State of Montana, Relating to the Office of County Surveyor of all Counties having a Total Registered Vote of 15,000 or over at the Last General Election, and Defining the Powers and Duties of County Surveyor, and Abolishing the Office of Road Supervisor in Said Counties.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 102 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana be, and the same is hereby amended to read as follows:

Section 1. The County Surveyor of all counties having a total registered vote of fifteen thousand (15,000) or over, at the last general election shall have exclusive control, supervision and direction of all highways, bridges and causeways within his county, and in the exercise of such control, supervision and direction he shall keep all highways and bridges free and clear of all obstructions;

County Surveyor.

Supervision of roads.

HeinOnline -- 1929 30 1929

Duties and powers.

cause highways to be graded, when needed, and maintain and repair the same; cause all bridges and causeways to be made, when needed, and keep the same maintained and in good repair and renew the same when destroyed; make all surveys; establish grades; prepare plans, specifications and estimates; keep accurate cost data; approve all claims against the county for all highway, bridge and causeway construction, maintenance and repair prior to presentation to Board of County Commissioners; employ deputies and men and teams and discharge at his pleasure such deputies, men and teams, and determine how, when and where such deputies, men and teams shall work; purchase and secure all highway and bridge machinery and machinery equipment and tools to be used upon highways and bridges with the approval of the Board of County Commissioners; purchase and secure all highway, bridge and causeway supplies and materials with the approval of the Board of County Commissioners; from time to time make reports and estimates of all matters relating to highways and bridges when required by the Board of County Commissioners; perform such other duties as are now or which may be hereafter required by law.

Section 2. That Section 2 of Chapter 102 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana be, and the same is hereby amended as follows:

Road supervisor abolished.

Section 2. The office of Road Supervisor in the counties mentioned in Section 1 of this Act is hereby abolished. Any and all laws relating to the powers and duties of Road Supervisors are hereby made applicable to County Surveyors of all counties having a total registered vote of fifteen thousand (15,000) or over at the last general election in so far as the same are not inconsistent with any of the provisions of this Act.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4 This Act shall be in full force and effect from and after its passage and approval.

Approved February 21, 1929.

HeinOnline -- 1929 31 1929

CHAPTER 22.

An Act to Amend Section 135 of the Revised Codes of 1921, Relating to the Distribution of House and Senate Journals and Session Laws.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 135 of the Revised Codes of Montana 1921 be, and the same is hereby amended to read as follows:

Distribution of Journals

Section 135. **Distribution of Senate and House Journals and Session Laws.** Immediately after the Senate and House Journals and the Session Laws mentioned in subdivision nine of the preceding Section are bound, the Secretary of State must distribute the same as follows:

County Clerk

1. To the county clerk of each county one copy of the senate journal and one copy of the house journal for the use of the county.

Historical Library

2. To the State Historical Library such number of copies of the senate and house journals, not exceeding 150 of each, as may be required by it for purposes of distribution and exchange; to the State Law Librarian, two copies of each House and of each Senate journal for the use of said Library, and such additional copies as may be necessary for the purposes of exchange.

Lieutenant Governor

3. To the Lieutenant Governor, each member of the Legislative Assembly, Secretary of the Senate and Chief Clerk of the House of Representatives at the session at which the laws and journals were adopted, one copy.

Distribution of Session Laws

He shall distribute the session laws as follows:

1. To each department of the Government at Washington, and of the Government of this State, one copy.

2. To the Library of Congress, and the State Library, two copies each.

3. To the State Historical and miscellaneous Library, two copies; to the State Law Librarian, four copies for the use of said State Law Library.

4. To the Law Libraries and the Legislative Reference Libraries of each of the States and Territories such number of copies as are given by them in exchange with the Montana State Law Library and the Legislative Reference Libraries.

HeinOnline -- 1929 32 1929

5. To the members of Congress, to the United States District Judge, to each of the Judges of the Supreme and District Courts, and to each of the State Officers of this State, one copy. Members of Congress, Judges and Officers.

6. To the Lieutenant-Governor, each member of the Legislative Assembly, Secretary of the Senate, and Chief Clerk of the House of Representatives at the session at which laws and journals were adopted, one copy.

7. To each of the incorporated colleges of the State and to each unit of the State University and institutions, one copy; to the Law Librarian of the State of Montana as many copies as may be required by him for exchange with libraries and institutions maintained by other States, Territories and public libraries. Institutions.

8. To the County Clerk of each county, three copies for the use of the county. Clerks.

9. To each County Attorney, and to each Clerk of the District Court, one copy. Attorneys.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force and effect from and after its passage and approval.

Approved February 22, 1929.

CHAPTER 23.

An Act Relating to the Hours of Fishing in Georgetown Lake Situated in Deer Lodge and Granite Counties, State of Montana, Making a Violation of This Act a Misdemeanor and Providing for a Penalty for a Violation Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It shall be unlawful and a misdemeanor punishable as in this Act hereinafter provided for any person to fish for or attempt to take in any manner any fish from the waters of Georgetown Lake situated in Deer Lodge and Granite Counties, State of Montana, during the hours intervening between 9:30 o'clock P. M. Mountain Time of each day and 5:00 o'clock A. M. Mountain Time of each following day. Fishing limitations Georgetown Lake.

HeinOnline -- 1929 33 1929

Penalties.

Section 2. Any person violating any of the provisions of this Act, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than Twenty-Five Dollars ($25.00) nor more than Three Hundred Dollars ($300.00), or by imprisonment in the County Jail for not less than ten days nor more than one hundred days, or by both such fine and imprisonment, and in addition thereto, shall in the discretion of the Court, forfeit his or her license to hunt or fish within the State of Montana for a period of one year from the date of conviction.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 25, 1929.

CHAPTER 24.

An Act Relating to Special Improvement Districts in Cities and Towns; Authorizing the Creation, Maintenance and Use of a Special Improvement District Revolving Fund in Any City or Town for the Purpose of Securing Prompt Payment of Special Improvement District Bonds and Warrants and Interest Thereon, and Requiring Levy of Taxes When Necessary for the Financial Requirements of Such Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

Special improvement district revolving fund.

Section 1. The City or Town Council or Commission of any City or Town which has heretofore created, or may hereafter create, any special improvement district or districts for any purpose, may in its discretion, as to such district or districts heretofore created, and shall, as to such district or districts hereafter created, in order to secure prompt payment of any special improvement district bonds or warrants issued in payment of improvements made therein, and the interest thereon as it becomes due, create, establish, and maintain by ordinance a Fund to be known and designated as "Special Improvement District Revolving Fund."

Section 2. For the purpose of providing funds for such Revolving Fund the City or Town Council

HeinOnline -- 1929 34 1929

(1) may in its discretion, from time to time, transfer to the Revolving Fund from the General Fund of the City or Town such amount or amounts as may be deemed necessary, which amount or amounts so transferred shall be deemed and considered, and shall be, loans from such General Fund to the Revolving Fund; and

Transfer from general fund.

(2) shall, in addition to such transfer or transfers from the General Fund, or in lieu thereof, levy and collect for such Revolving Fund such a tax, hereby declared to be for a public purpose, on all the taxable property in such City or Town as shall be necessary to meet the financial requirements of such Fund, such levy, together with such transfer, not to exceed in any one year five per centum (5%) of the principal amount of the then outstanding Special Improvement District bonds and warrants.

Tax levy.

Section 3. Whenever any Special Improvement District bond or warrant, or any interest thereon, shall be, at the time of the passage of this Act, or shall thereafter become due and payable, and there shall then be either no money or not sufficient money in the appropriate district fund with which to pay the same, an amount sufficient to make up the deficiency may, by order of the Council, be loaned by the Revolving Fund to such district fund, and thereupon such bond or warrant or such interest thereon, or in case of such bonds or warrants due at the time of the passage of this Act, such part of the amount due on such bond or warrant, whether it be for principal or for interest or for both as the Council may in its discretion elect or determine, shall be paid from the money so loaned or from the money so loaned when added to such insufficient amount, as the case may require; provided, however, that the above provision of Section 1, 2 and 3 of this Act shall not apply to any district or districts heretofore created, unless and until, at an election, either the regular annual municipal election or a special election called by the Council, a majority of the legal voters who shall be taxpaying free-holders of property situated in the City or Town, shall authorize the City or Town Council to proceed thereunder, such election to be called and conducted in the manner and under such regulations as the Council may provide. At such election no person other than such qualified elector and free-holder shall vote on said question, and a majority of those voting thereat shall be sufficient to determine, and shall de-

Loans to district fund for payments of due warrants

Created districts.

Majority vote at election.

HeinOnline -- 1929 35 1929

Who may vote.

termine, the question whether the Council be authorized or not to proceed under Section 1, 2 and 3 of this Act.

Lien for loans.

Section 4. Whenever any loan is made to any Special Improvement District Fund from the Revolving Fund, the Revolving Fund shall have a lien therefor on all unpaid assessments and installments of assessments on such district, whether delinquent or not, and on all moneys thereafter coming into such district fund, to the amount of such loan, together with interest thereon from the time it was made at the rate, or percentage, borne by the bond or warrant for payment of which, or, of interest thereon, such loan was made; and whenever there shall be moneys in such district fund which are not required for payment of any bond or warrant of such district, or of interest thereon, so much of such moneys as may be necessary to pay such loan shall, by order of the Council, be transferred to the Revolving Fund; and after all the bonds and warrants issued on any Special Improvement District have been fully paid, all moneys remaining in such district Fund shall by order of the Council be transferred to and become part of the Revolving Fund.

Surplus.

Use of excess.

Section 5. Whenever there is in the Revolving Fund an amount in excess of the amount which the Council deems necessary for payment or redemption of maturing bonds or warrants or interest thereon, the Council may

To general fund.

(1) by vote of all of its members at a meeting called for that purpose, order such excess or any part thereof transferred to the General Fund of such City or Town, or

Delinquent taxes.

(2) use such excess or any part thereof for the purchase of property at sales for delinquent taxes or assessments, or both, or which may have been struck off or sold to the County for delinquent taxes or assessments, or both, and against which property there then be any unpaid assessment for special improvements on account whereof there are outstanding special improvement district bonds or warrants of the City or Town.

Sale of rights.

The Council may sell any tax certificates issued on any such sale or sales. After acquiring title to such property, the City or Town may lease such property, or sell the same at public or private sale and make conveyance thereof, or otherwise dispose thereof as the interest of the City or Town may require. All proceeds from such sales of tax certificates, and from such leasing, sale, or other disposition of the property, shall belong to and be

HeinOnline -- 1929 36 1929

paid into the Revolving Fund, and be subject to transfer in whole or in part to the General Fund by the vote of all the members of the Council at a meeting called for that purpose, as hereinbefore provided.

Saving clause.

Section 6. If any clause, sentence, paragraph, section, or other part whatsoever, of this Act shall for any reason be held to be invalid or inoperative, the remainder of this Act shall not thereby be invalidated, impaired, or in anywise affected, and such holding shall be confined in its effect to the clause, sentence, paragraph, section, or other part of this Act, directly adjudged to be invalid or inoperative.

Section 7. All Acts and parts of Acts in conflict with this Act are hereby repealed to the extent of such conflict.

Section 8. This Act shall be in force and effect immediately upon its enactment.

Approved February 25, 1929.

CHAPTER 25.

An Act to Amend Section 545 of the Revised Codes of Montana Relating to the Establishment of Election Precincts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 545 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Election precincts, how created.

Section 545. The territorial unit for the conduct of elections shall be the election precinct. The Board of County Commissioners of each county shall establish a convenient number of election precincts therein having reference to equalizing the number of electors in the several precincts as nearly as possible. Precinct boundaries shall conform to the wards of incorporated cities of the first, second and third class and to the boundaries of school districts of the first class only, provided that any ward or school district may be divided into two or more precincts and any precinct may be divided into two or more polling places. In towns, or municipal corporations

HeinOnline -- 1929 37 1929

other than the cities of the first, second and third class, election precincts may, however, include two or more wards, or may comprise the territory included by one or more wards, together with contiguous territory lying outside the said incorporated towns.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 25, 1929.

CHAPTER 26.

An Act to Amend Section 5265 of the Revised Codes of Montana of 1921, as Amended by Chapter 143 of the Session Laws of the Twentieth Legislative Assembly of 1927, Relating to the Creation and Financing of Special Improvement Districts for Lighting Streets in Cities and Towns.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5265 of the Revised Codes of Montana of 1921, as amended by Chapter 143 of the Session Laws of the Twentieth Legislative Assembly of 1927, be and the same is hereby amended to read as follows:

Installing lighting system

Section 5265. It shall be the duty of the city or town council to ascertain the cost of installing such lighting system, and on or before the first Monday in October pass and finally adopt a resolution levying and assessing all of the property embraced within said district with not less than one-fourth (¼) nor more than three-fourths (¾) of the entire cost of installing the same; each lot or parcel of land in said district to be assessed in accordance with the method adopted by the city council as provided in Section 5260 hereof. Any such resolution shall contain a list in which shall be described each lot or parcel of land, and either the total number of square feet of property contained therein or the total number of linear feet abutting the improvements as may be required to determine the total assessment in the district, and the amount levied against each lot or parcel of land set opposite. Such resolution, signed by the mayor and city clerk, shall be kept on file in the office of the city clerk, and a notice signed by the city clerk, stating that the resolu-

Assessments.

File.

HeinOnline -- 1929 38 1929

tion levying the assessment to defray the portion of the cost of installing and maintaining said lights and supplying electrical current therefor for the first (1st) year, as determined by the city or town council, is on file in his office subject to inspection for a period of five (5) days, shall be published at least once in a newspaper published in the city. Such notice shall state the time and place at which objections to the final adoption of such resolution shall be heard by the city or town council, and the time for such hearing shall not be less than five (5) days after the publication of such notice. At the time so fixed the council shall meet and hear all such objections and for the purpose may adjourn from day to day, and may modify such resolution in whole or in part. A copy of such resolution as finally adopted, certified by the city clerk, must be delivered within two (2) days after its passage to the city treasurer. All moneys derived from the collection of such assessments shall constitute a fund to be known as 'Special Improvement Lighting District No. ———— Fund.'

Publication.

Approved February 26, 1929.

CHAPTER 27.

An Act Providing for the Storage of Grain on Farms, on or near Railroad Right-of-ways and Other Suitable Places, Making Provision Regulating Said Storage, Providing for the Issuance of Negotiable Warehouse Receipts on Grain Stored Therein, Providing for the Supervision and Regulation of Said Storage, Delegating Authority Under the Provisions of the Act and Providing for General Regulations and Funds to Carry Out the Provisions of this Act, and Providing Penalties for Violations of this Act, and Repealing Chapter 59 of the Laws of 1923 of the State of Montana and all other Acts or parts of Acts in Conflict with the Provisions of this Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Purpose of This Act.** The purpose and object of this Act is to provide the owners of grain the means of warehouse or storing the same on farms on or near railroad right-of-ways and other suitable places under

HeinOnline -- 1929 39 1929

proper safeguards, as a basis of farm credit on the grain so stored.

Farm storage commissioner.

Section 2. **Farm Storage Commissioner.** There is hereby created the office of Farm Storage Commissioner, and the Commissioner of Agriculture, Labor and Industry for the State of Montana shall be ex officio such commissioner. Such commissioner shall manage, control and direct the operation of the provisions of this Act, with full and complete power to make effective the provisions of this Act and the rules and regulations which he may prescribe to carry out the purposes and objects thereof.

Bond.

Section 3. **Bond of Commissioner.** In addition to the bond required of such commissioner pertaining to the office of Commissioner of Agriculture, Labor and Industry, such commissioner shall also furnish a surety bond in the sum of $20,000.00 conditioned upon his faithful performance of the duties imposed by the provisions of this Act, the premium on said bond to be paid as a part of the general expenses of the operation of this Act.

Powers and duties.

Section 4. **Powers and Duties of the Commissioner.** The Commissioner shall be vested with full and complete power to carry out the provisions of this Act, and in addition to such general powers hereby conferred, he shall have the following express powers:

Inspectors.

First, to appoint inspectors of grain whenever petitioned so to do as provided herein, prescribe the duties of such inspectors and remove them summarily whenever said commissioner may deem it advisable;

Rules.

Second, to make and promulgate such rules and regulations, not inconsistent herewith, as shall be necessary or desirable to carry out effectually the purposes hereof;

Machinery.

Third, he shall have full power to set up the necessary machinery to make effective the provisions of this Act, such as the purchase of supplies, printing, stationery and equipment, and the appointing of clerical help and assistance, all of which expense shall be audited and paid as a part of the general expense of the administration of this Act.

Appointment of inspectors.

Section 5. **Inspectors—How Appointed.** Whenever 25 or more farmers operating farms tributary to any market center shall petition the commissioner for the appointment of an inspector, the commissioner shall forthwith appoint such inspector, provide for the method of

HeinOnline -- 1929 40 1929

inspection, and require such inspector to certify all warehouse certificates for grain inspected, and certify to the commissioner all information that may be required of him by the provisions of this Act, or by the rules and regulations laid down by the commissioner.

Application.

Section 6 **Qualifications of Inspectors.** No Inspector shall be appointed under the provisions of this Act until a written application shall first be submitted to and approved by the Commissioner showing the applicant's experience and fitness to become an inspector of grain under the provisions of this Act.

Term.

Section 7. **Term of Office of Inspector.** When appointed such inspector shall hold his office at the will of the commissioner.

Inspectors bonds.

Section 8. **Bond of Inspectors.** Any inspector appointed under the provisions of this Act shall furnish to the commissioner a bond in the penal sum of $2,000.00, conditioned upon his faithful performance of his duties under the provisions of this Act and the rules and regulations prescribed by the commissioner, premiums for said bonds to be paid out of the funds provided under this Act.

Inspectors Fee.

Section 9. **Fees For Inspectors.** The commissioner shall from time to time fix the fees or compensation of inspectors for their services. Such fees or compensation shall be based upon a certain sum per bushel of the grain so inspected, and shall be paid monthly by the commissioner by warrants drawn upon the fund created by the provisions of this Act.

Applications for testing and sealing of grain.

Section 10. **Applications for Testing and Sealing of Grain.** Whenever any inspector shall be appointed under the provisions of the Act, any owner of grain within his district desiring to store the same, shall make written application to the commissioner to be filed with the inspector, indicating where said grain is stored, the kind of structure in which stored, the encumbrance on said grain, if any; which application shall be signed and sworn to by the applicant. Whenever any grain is owned by more than one owner, said application shall be signed by all having an interest therein. In case such grain is mortgaged, the application for inspection shall be signed by the owner, and any certificate issued for grain owned by more than one person, or mortgaged, shall be issued in the name of such persons including the mortgagee.

HeinOnline -- 1929 41 1929

False application, penalty.

Section 11. **Penalty For False Application.** Any person who shall state in such application any material fact known to be false and for the purpose of misleading the commissioner or the inspector, shall be guilty of a misdemeanor.

Duties of inspector.

Section 12. **Duties of Inspector.** Whenever application shall be made to the commissioner for the inspection and sealing of grain, whether upon the farm or on or near any railroad right-of-way, or other suitable place, the inspector shall as soon as it is possible to do so, inspect said grain, and if said grain and the structure in which it is stored comply with the provision of this Act and the regulations of the commissioner, the inspector shall measure and obtain the cubic feet content of the grain in the bin, probe the grain in at least five different places, so as to obtain a required amount of grain to mix and divide into two samples; he shall then number the bin and the samples to correspond, seal the bin with a seal provided by the commissioner and place on the structure a printed copy of the penalty clause provided by this Act for the unlawful breaking of such seal. The inspector shall then forward to the laboratory as directed by the commissioner, one of the samples obtained from the bin, and obtain from such laboratory Inspection Certificates, in triplicate, which shall be dated, numbered and designate the owners name, the number of the sample inspected, the kind of grain, and if mixed, the percentage of each kind, the dockage, and the moisture and protein content. As soon as inspection certificates are obtained by the local inspector, he shall issue negotiable warehouse certificates in triplicate, attaching to each a copy of inspection certificate and sign the warehouse certificates over the facsimile signature of the Commissioner, and when so signed by the inspector they shall be deemed to be issued by the proper authority of the commissioner. Inspectors shall have the right at any time to enter upon the premises where any grain is stored under the provisions of this Act for the purpose of making an inspection thereof, and the acceptance of the warehouse certificate by the owner, shall be deemed consent to such entry and inspection. Inspectors appointed under the provisions of this Act shall have the same powers as a Notary Public to take acknowledgments and administer oaths that may be required either by provisions of this Act, or by the rules and regulations laid down by the commissioner.

Samples.

Warehouse certificates.

Notary public

HeinOnline -- 1929 42 1929

Penalty for violation of duty.

Section 13. **Penalty For Violation of Duty By Inspector.** Any inspector who shall wilfully certify falsely to any material fact in or concerning any warehouse certificate, or who shall wilfully certify falsely to the commissioner any material fact required to be certified under the provisions of this Act, or by the rules and regulations of the commissioner, shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment for a term of not less than two and one-half or not more than five years.

Duty of owner, care.

Section 14. **Duty of Owner Respecting the Care and Delivery of Grain Stored.** The owner of grain stored under the provisions of this Act shall be charged with the due care of the same and shall exercise that degree of care and diligence which an ordinary and prudent man would exercise with regard to similar property of his own. The owner shall also, upon demand of the holder of such certificate, deliver said grain to the market place indicated in the application without charge to the holder. No legal demand for the delivery of said grain can be made, however, upon said owner until the maturity of the obligation for which said certificate may be pledged, or until the security shall become in any way impaired; providing, however, that the owner of said grain, in his discretion may sell said grain prior to the maturity of his obligation under this certificate.

Form of warehouse certificates.

Section 15. **Form of Warehouse Certificate** The form of said warehouse certificate issued under the provisions of this Act shall be prepared and approved by the commissioner, and every such certificate must embody within its written or printed terms the following:

(1) The consecutive number of the certificate.

(2) The date of issuance of said certificate.

Contents.

(3) A description of the structure in which the grain is stored, and the legal description of the premises where stored.

(4) A description of the grain, giving its grade, kind, variety, dockage, protein content, and moisture content, the amount thereof to be computed from the cubical measurement thereof.

(5) The name of the owner or owners, whether ownership is sole, joint or in trust, and the conditions of such ownership, as shown by the application.

HeinOnline -- 1929 43 1929

(6) A statement of any and all encumbrances upon said grain as reported in the application.

(7) A statement that the grain will be delivered at elevator or on railroad; but it may be sold on track, to arrive or be consigned at the option of the owner of said grain.

(8) The facsimile signature of the commissioner and the counter signature of the inspector.

(9) Notation of Inspection Fee.

How issued.

Section 16. **Warehouse Certificates—How Issued.** All such certificates issued under the provisions of this Act shall be in triplicate, the original to be delivered to the owner, one copy to be forwarded to the commissioner by the inspector, and the other copy to be filed in the office of the Clerk and Recorder of the County in which said grain is stored. Both copies of the certificate shall have plainly printed and stamped across the face thereof, "DUPLICATE—NO VALUE."

Recording of certificate.

Section 17. **Recording Certificate.** The inspector shall file in the office of Clerk and Recorder of the county wherein said grain is stored, a copy of the warehouse certificate, which shall be indexed under chattel mortgages and for which a filing fee of twenty-five cents shall be charged to be paid by the inspector and included in his vouchers to the commissioners and which shall be paid by the commissioner and charged to the general expense of the administration of this Act. Such filing shall be notice that the grain described therein is pledged to the redemption of an outstanding negotiable warehouse receipt.

Waiver of locking and sealing.

Section 18. **Waiver of Locking and Sealing.** The locking up and sealing of any storage facility acceptable to the commissioner is hereby waived, if and when the applicant shall have filed a warehouseman's bond, as a guaranty to the carrying out of the provisions of this Act. Such bond shall be passed on and approved by the commissioner.

Amount determined by weight.

Section 19. **Owner of Grain Responsible for the Amount of Grain stated on Certificate.** Whenever the amount of grain certified to on the certificate shall have been computed by cubic measurement, the amount shall be deemed to be prima facie the amount of said grain, but the actual amount shall be determined by the actual

HeinOnline -- 1929 44 1929

weight thereof. The owner, however, shall be responsible and liable to the holder of the certificate, for the delivery of the amount of grain indicated on said certificate by actual weight, or the value of any shortage thereon.

Penalty for breaking seals.

Section 20. **Penalty for Breaking Seals.** Any person who shall with intent to defraud, break the seal of any structure in which grain is stored under the provision of this Act, shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment for a period of not less than one or more than two years.

Expenses, how paid.

Section 21. **Expenses for the Administration of this Act, How Paid.** The expense of the administration of this Act shall be paid by the owners of the grain, and at the time of the inspection and sealing, and the issuing of such certificate, the inspector shall note upon said certificate for the purpose of the administration of the Act, that the owner shall pay, not to exceed one-half cent per bushel, for such purpose, the same to be deducted from the proceeds of said certificate on final settlement. Such fees shall be paid to the commissioner and deposited with the State Treasurer, in a fund known as the Department of Agriculture Revolving Appropriation Fund for Grain Grading, and upon which fund the commissioner shall draw warrants to pay the general expenses of this Act.

Section 22. Chapter 59 of the Laws of the State of Montana for the Year 1923, and all other Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Saving clause.

Section 23. **Saving Clause.** Should any section or sections of this Act be declared unconstitutional by a court of last resort, the same shall not invalidate the remaining sections of this Act.

Emergency.

Section 24. **Emergency.** Whereas at the present time there is no adequate law providing for the storage of grain upon farms or on or near railroad right-of-ways, or other suitable place, and the issuing of negotiable warehouse certificates thereon, therefore an emergency is declared to exist, and this Act shall be in force and effect upon its final passage and approval.

Approved February 26, 1929.

HeinOnline -- 1929 45 1929

CHAPTER 28.

An Act to Amend Section 65 of Chapter 60 of the Session Laws of 1927, Relating to Mineral Reservation in State Lands.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 65 of Chapter 60 of the Session Laws of 1927 be and the same is hereby amended to read as follows:

Reservation of minerals.

Section 65. **Mineral Reservations in State Lands.** All coal, oil, oil shale, gas, phosphate, sodium and other mineral deposits, except sand, gravel, building stone and brick clay, in lands belonging to the State of Montana, or which may hereafter become the property of the state, which have not already been reserved by the United States, are hereby reserved to the state. All such deposits are reserved from sale except upon a rental and royalty basis as provided in this Act. In the case of lands sold after this Act takes effect, a purchaser of any lands belonging to the state or which may hereafter become the property of the state shall acquire no right, title, or interest in or to any of such deposits. The state also reserves for itself and its lessees the right to enter upon such lands to prospect for, develop, mine and remove such deposits and to occupy and use so much of the surface of the said lands as may be required for all purposes reasonably extending to the exploring for, mining and removal of such deposits therefrom, but the lessee shall make just payment to the purchaser for all damage done by reason of such entry upon the land and the use and occupancy of the surface thereof.

Prospectors Rights.

Damage.

Mortgage Acquired lands.

These mineral reservations shall not apply to lands that the state has acquired through the foreclosure of mortgages or otherwise acquired in connection with mortgages given to it. In cases of this kind all rights shall go with the land that passed with the land from the mortgagor to the state.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 26, 1929.

HeinOnline -- 1929 46 1929

CHAPTER 29.

An Act to Amend Section 1276 of the Revised Codes of Montana of 1921 Relating to the Issuance of County Bonds for the Erection or Purchase of Buildings for High School Purposes and the Equipment Thereof, or for Other High School Buildings, Purchasing of Sites and Providing the Limitation and Procedure and Submitting Such Question to the Electors of the County.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1276 of the Revised Codes of Montana of 1921 be, and the same is hereby amended so as to read as follows:

Section 1276. **Submission To Electors of Question of Bond Issue.** The Secretary of the Board of County High School Trustees, whenever a majority of the Board shall so decide, and upon the presentation of a petition in the manner provided by law, shall certify to the Board of County Commissioners that they have decided to submit to the taxpayers of the county the question whether the county bonds shall be issued for the purpose of the erection or purchase of a building or buildings for high school purposes and the equipment thereof, or for the erection and equipment of a dormitory or dormitories, or gymnasium, and for a suitable site or sites therefor, and shall include in such certificates the amount of such bonds, which amount shall not exceed the sum of Four Hundred Thousand Dollars ($400,000.00), in any one county of the first, second, third and fourth class, and in all other counties shall not exceed the sum of Three Hundred Thousand Dollars ($300,000.00), in any one county. Such bonds may run for a term of twenty years or less, but no longer; provided, that any such issue of bonds shall not increase the indebtedness of any county beyond the maximum limit fixed by the state constitution.

Secretary to certify to County Commissioner.

Limitation on bond issues.

It shall also be lawful for a majority of the Board of School Trustees of any county high school, through its secretary as aforesaid, after the presentation of a petition in the manner provided by law, to certify to the Board of County Commissioners for submission to the electors of the county, the question as to whether or not county bonds shall be issued for the purpose above specified, the proceeds thereof to be divided between the county high school and the several four-year accredited district high

Division of proceeds.

HeinOnline -- 1929 47 1929

schools of the county in the manner designated by said Board. In all such cases the question submitted to the electors shall definitely state the amount of said bond issue which is to be expended for or upon the county high school, and the amount thereof which is to be divided among the several four-year accredited district high schools of the county, which allotment shall be pro-rated so that each of the four-year accredited district high schools shall receive that percentage of the total bond issue which the assessed valuation of the property in the four-year accredited high school district bears to the assessed valuation of the entire county.

Specifications as to division.

That as soon as practicable after receiving such certificate, the Board of County Commissioners shall fix the term for which said bonds are to run, and the rate of interest they shall bear; and shall proceed to submit the question of issuing such bonds to the qualified electors of the county in the manner provided by law for the issuance of other county bonds. If such bonds are issued, the Board of County Commissioners, at the time of making the levy of taxes for county purposes each year, shall levy a tax for that year upon the taxable property in the county for the interest and redemption of said bonds, and such taxes must not be less than sufficient to pay the interest on said bonds for that year and such proportion of the principal as is to become due during the year, and in any event must be high enough to raise annually, for the first half of the term, a sufficient sum to pay the interest thereon, and during the remainder of the term, high enough to pay the said interest and to pay annually a portion of the principal of said bonds equal to the quotient produced by taking the whole amount of said bonds outstanding, and dividing it by the number of years said bonds have yet to run; and all moneys so levied, when collected, must be paid to the county treasurer to the credit of the county high school and kept in a separate fund, and used for the payment of the principal and interest on said bonds, and for no other purpose; provided, however, that the accumulated money may be invested as is provided for the investment of money collected for the payment of school district bonds. Said tax shall be levied and collected as other county taxes.

Fixing of term.

Levy of tax and purpose.

County Treasurer.

Investment of Accumulations.

In any county wherein there are now maintained one or more district high schools, in which a county high

HeinOnline -- 1929 48 1929

school has been created, or may hereafter be created, the trustees of any such school district may, by resolution duly passed at a regular or special meeting of such Board of Trustees discontinue such district high school to take effect upon the establishment of the county high school, and in case such county high school is located, as provided in this chapter, within any school district maintaining a district high school, it shall be the duty of the Board of Trustees of such school district to discontinue the district high school.

Discontinuance of district high schools.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 27, 1929.

CHAPTER 30.

An Act Providing for the Construction and Furnishing of a Suitable Montana Historical Library Building as an Adjunct of the State Capitol Building; Authorizing the Issuance and Sale of Bonds by the State for Such Purpose, Secured by Lands Embraced in the Federal Land Grant Made to the State for Public Buildings at the Capital of the State, and Proceeds Therefrom; Enabling the State to Receive Gifts for the Betterment and Support of Such Building, and Repealing in Part Chapter 57 of the Laws of 1923, Relating to the Montana Pioneer Historical Fund and Pioneer Historical Commission, to Provide for the Payment of Interest and Principal, and Create a Sinking Fund and the Investment thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Board of Examiners of the State of Montana is hereby authorized and empowered to issue and dispose of Capitol Building Bonds of the State of Montana for the purpose of erecting and furnishing a suitable Montana Historical Library as an adjunct to the State Capitol Building, the same to be constructed on lands now owned by the State of Montana as a part and portion of the present Capitol building site or on additional lands contiguous thereto which may be purchased under existing statutes authorizing the issuance and disposal of bonds to acquire for the State additional

Capitol building bonds for Historical Library.

Where erected.

HeinOnline -- 1929 49 1929

lots and land as a part of the State Capitol grounds. (Sections 5581 to 5589, Revised Codes of Montana, 1921). The bonds issued by authority of this Act are subject to the following conditions and restrictions: First, the aggregate amount of bonds authorized to be issued and sold under the provisions of this Act shall not exceed the sum of Two Hundred Fifty Thousand Dollars ($250,000.00); Second, the denomination of each bond shall be for the sum of One Thousand Dollars ($1,000.00); Third, the term for which each of such bonds shall run shall not exceed thirty (30) years from the date of issuance, and they shall be made payable at any time after fifteen (15) years from their date, at the option of the State Board of Examiners; Fourth, such bonds shall bear interest at any rate prescribed by the State Board of Examiners, not exceeding five per centum (5%) per annum, which may be made payable semi-annually; Fifth, the principal and interest shall be payable at the office of the State Treasurer at Helena, Montana; Sixth, the State Board of Examiners shall prescribe the form of the bond and the bonds shall bear upon their face the words: "Historical Society of Montana Issue of Capitol Building Bonds of the State of Montana," and shall be signed by the members of the State Board of Examiners, to which shall be affixed the Great Seal of the State of Montana, and all of the bonds of this series issued shall be registered in the office of the State Treasurer; Seventh, coupons shall be attached to the bonds, representing interest to become due at the rate and time specified for each of the bonds of this series, and such coupons shall bear the lithographic facsimile signatures of the members of the State Board of Examiners.

Conditions and restrictions.

Amount.

Terms.

When payable.

Interest.

Where payable.

Form.

How signed.

Registered.

Coupons.

Section 2. The bonds provided for in this Act shall be disposed of by the State Board of Examiners in such manner as it shall deem to be for the best interests of the State, provided that no bonds shall be sold or disposed of for less than their par value.

Not less than par.

Section 3. To provide for the payment of the interest and principal of the bonds authorized by this Act, there is hereby created a special fund to be known as The Capitol Building Interest and Sinking Fund into which shall be paid all sums of money realized from sales of land, licenses to cut trees, leasing of lands, profits of any and all other sources by reason of the grants of lands belonging to, or authorized for the purpose of building

Special fund.

How created.

HeinOnline -- 1929 50 1929

or aiding in the building or erection of a State Capitol Building, as provided by Sections 12 and 17 of an Act of the United States Congress, entitled "An Act to provide for the division of Dakota into two States, and to enable the people of North Dakota, South Dakota, Montana and Washington, to form Constitutions and State Governments, and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States," approved February 22nd, 1889, and from said Capitol Building Interest and Sinking Fund, there shall, as the same becomes due and payable, be paid the interest on the said bonds and it is further provided, that it is the duty of the State Board of Land Commissioners, whenever there are any funds in the said Capitol Building Interest and Sinking Fund over and above the sum of Twenty Five Hundred Dollars ($2500.00), in excess of the amount required to pay the yearly interest on said bonds, to invest such excess funds in the manner set forth and provided in Section 3-A of this Act, and the amount so invested shall constitute a permanent fund to pay the principal of the said bonds; but all interest or profit derived from the investment shall be paid into the said Capitol Building Interest and Sinking Fund, and the principal and interest of the bonds shall be a first lien upon said funds and all lands granted and belonging to the State, for the purpose of erecting buildings at the State Capitol.

Investment of excess funds.

Section 3-A. The State Board of Land Commissioners are hereby authorized to create a permanent fund for the payment of the principal of the bonds authorized by this Act, from the following revenues, to-wit: Whenever the revenues in any year are sufficient to pay the interest on the said bonds and there shall be in excess thereof, the sum of Twenty Five Hundred Dollars ($2500.00), then any and all funds over and above the said sum of Twenty Five Hundred Dollars ($2500.00) shall be invested for the benefit of the Capitol Building Interest and Sinking Fund as follows, to-wit:

Permanent fund.

How invested.

First. In the bonds authorized by this Act, provided they can be purchased at a cost not exceeding their par value and accrued interest.

Bonds.

Second. In any legally issued bonds of any County, School District, City or Town of the State of Montana, provided they can be purchased at a cost not exceeding their par value and interest.

Municipal bonds.

HeinOnline -- 1929 51 1929

General fund warrants.

Third. In any legally issued General Fund Warrants, of the State of Montana, or any legally issued warrants of any County, City or Town of the State of Montana, provided they can be purchased at a cost not exceeding their par value and accrued interest; and the said State Board of Land Commissioners are hereby granted discretionary power in the selection and purchase of the securities hereinbefore described, as to the amount of each they shall purchase and conditions of general credit affecting the same.

Board's discretionary power.

Special provisions for payment.

Section 4. In the event the State of Montana shall at any time provide and pay the interest or any part thereof on the bonds authorized by this Act from the general funds of the State, or by any special appropriation or taxes levied therefor, then for any and all interest so paid the State shall be reimbursed from the said Capitol Building Interest and Sinking Fund by the payment of the amount so paid or due whenever there is sufficient money in the said Capitol Building Interest and Sinking Fund to pay the same, after paying the principal and interest due on bonds issued under authority of this and previous Acts authorizing the issuance of Capitol Building Bonds.

Reimbursements.

Custodian of funds.

Section 5. The State Treasurer is hereby designated the custodian of all of the funds provided by this Act, and he shall pay all warrants properly drawn by the State Auditor, save and except as to the interest on the bonds, which he shall pay as the same become due and charge the amount thereof to the Capitol Building Interest and Sinking Fund, above mentioned. The moneys received from the sale of bonds authorized by this Act shall be paid to the State Treasurer, and shall constitute a special fund for the erection of a Historical Library Building, and be disbursed by the State Treasurer only on warrants drawn by the State Auditor pursuant to the order of the State Board of Examiners. Disbursements on account of the erection of the Building shall be made pursuant to the orders of the Board of Examiners, and all bills and demands for labor performed or materials furnished shall be presented to such Board in duplicate, fully itemized, and shall be approved by the Board only after a careful examination has been made of every item contained therein. If found correct, the Board shall approve the same, preserving one copy of the claim and transmitting the other to the State Auditor with directions to the Auditor to draw his warrant on the special fund hereby author-

Disbursements, how payable.

Approval of claims.

HeinOnline -- 1929 52 1929

ized to be created from the sale of the bonds authorized for the erection of such building, and provided that no approval shall be made by the Board of any expenditure in excess of the amount received from the sale of bonds authorized by virtue of the provisions of this Act, and other funds hereby made available.

Limit.

Section 6. Whenever any bonds authorized under this Act shall become due and payable, and there is sufficient funds available with which to pay the same, they shall be called in and paid in the order of their issuance, beginning with the lowest serial number.

Order payable.

Section 7. The cost and expense of issuing the bonds provided for by this Act may be paid out of the proceeds from the sale thereof, or be charged to the expense of the construction of the building.

Costs.

Section 8. In the event there shall not at any time be sufficient money in the Capitol Building Interest and Sinking Fund to pay the interest when due, the State Board of Examiners shall, by an order entered on its minutes, or record book, cause warrants to be issued on the State Capitol Building Interest and Sinking Fund for the amount of interest due, and the warrants so issued shall be registered in the office of the State Treasurer, and shall bear interest at the rate of Four per centum (4%), and said warrants shall be paid by the State Treasurer whenever there is sufficient money accumulated in said fund to pay the same, after the payment of interest on prior bonds issued pursuant to authority of law, and by reason of the issuance and delivery of said warrants to the holders of bonds of this issue, and the surrender by them of said coupons, default in the payment of interest shall not be considered as having been made.

Registered warrants in payment.

Section 9. Nothing in this Act shall be so construed as to in anywise hold the State of Montana liable for the payment of bonds herein authorized, or the interest thereon, except as to the lien heretofore created against the lands granted for the purpose of erecting public buildings at the State Capital and the funds derived therefrom; provided, that such liens shall not be breached or set aside until the bonds authorized by this and previous Acts have been fully paid, together with interest thereon, and the State Board of Examiners are hereby especially enjoined to use all lawful means to see to it that the spirit of this Act is fully complied with.

Liability of State.

Liens.

HeinOnline -- 1929 53 1929

Specifications.

Section 10. Upon the sale of the bonds authorized by this Act, it shall be the duty of the State Board of Examiners to proceed with the erection and completion of a suitable Historical Library Building without delay, on the most approved fire-proof system and in furtherance of this purpose, the Board is authorized to secure plans and specifications from suitable architects and the architect whose plan is selected as most suitable and desirable shall be required to furnish full and complete specifications for the erection, heating and lighting of the building, with full and complete full-size drawings, details and working plans, so that a competent contractor or builder may take the plans, drawings and specifications submitted, and erect the building in accordance therewith. The Board is authorized to employ a skilled and reputable architect or builder to superintend the work of construction, at such reasonable compensation as may be agreed upon, when in its judgment the best interests of the State shall be subserved thereby. Such employee shall serve under the direction of and at the pleasure of the Board.

Architect.

Compensation.

Section 11. The architect whose plan is selected by the Board shall receive such compensation as the Board shall deem reasonable. He shall prepare all plans, specifications and details for all contracts for construction and materials to be used in the building, and if employed by the Board to superintend the construction thereof, he shall see that all material furnished and the work done is of the best quality and that all contracts with the Board are faithfully performed by the parties contracting it. He shall perform all other duties devolving upon him as supervising architect, and may be removed at the pleasure of the Board. Neither the architect nor any of his subordinates or assistants shall be in any way connected with any work done or material furnished for the building or any contract thereof, nor shall he have any interest therein, directly or indirectly. He shall furnish bond to the State of Montana in the sum of Fifteen Thousand Dollars ($15,000.00), with a surety company authorized to transact business in the State of Montana, as surety, conditioned for the faithful performance by the architect, his assistants and subordinates, of his and their duties as herein prescribed.

Duties of Architect.

Bond.

Montana materials.

Section 12. The Board shall procure all materials used in the construction of said building from the products of Montana, provided the same is produced in the State of

HeinOnline -- 1929 54 1929

Montana and can be procured as cheaply therein as material of like kind and quality may be obtained elsewhere; and provided further, that the total cost of the erection of said building, including steam heating apparatus and other fixtures, furniture and moving and installations and equipment shall not exceed the total sum of Two Hundred Fifty Thousand Dollars ($250,000.00) and the Board shall at all times have this object in view, and all plans accepted, and all contracts awarded, shall be accepted and awarded, only, after the Board shall be satisfied that the money available shall not be exceeded.

Advisory commission.

Section 13. To the end that the State Board of Examiners may have the assistance and advice of persons particularly interested in the erection and maintenance of such building, the Board is hereby authorized to designate and appoint an advisory commission, to be composed of the Secretary of the Montana Historical Society, one representative member of the Pioneers' Society and one representative of the Sons and Daughters of Pioneers of Montana, and two to be appointed by the Governor as representatives of the citizens of Montana. Such a Commission so authorized to be appointed, shall serve without compensation, and be paid only their actual expenses, as the same may be approved by the State Board of Examiners, such expense to be included and considered as a part of the expense incident to the erection of the building.

Compensation.

Section 14. Nothing herein contained shall be in any way considered or construed as in any manner repealing or affecting Chapter 265 of the Laws of 1921, providing for the issuance of bonds by the State for the purpose of acquiring additional lands to be added to the State Capitol grounds at Helena, Montana, now embraced in Sections 5581 to 5589, inclusive, of the Revised Codes of 1921, or any other Act, or parts of Acts, authorizing prior bond issues against the Capitol Building Land Grant or the bonds issued pursuant to such enactments.

Fund for gifts.

Section 15. The State of Montana is hereby authorized and empowered to receive and accept gifts and donations by bequest, devise, or otherwise, for the Montana Pioneer Historical Society, and the same when received and converted into cash shall be by the State Treasurer placed in a separate fund and utilized only in the betterment and maintenance of the building or equipment hereby provided

HeinOnline -- 1929 55 1929

for, such fund to be designated as the Pioneers' Memorial Fund.

Purpose of building.

Section 16. The building when completed shall be devoted exclusively to the housing of the books, records, documents, pictures and other collections of the Montana Historical Society, and the office of the Librarian and assistants.

Section 17. That Chapter 57 of the Laws of 1923, save and except Section 1 of said Act, together with all Acts and parts of Acts in conflict herewith, be, and the same are hereby repealed.

Section 18. This Act shall take effect and be in full force from and after its passage and approval.

Approved February 27, 1929.

CHAPTER 31.

An Act to Amend Section 2191 of the Revised Codes of Montana of 1921, as Amended by Chapter 46 of the Laws of the Eighteenth Legislative Assembly Relating to Sale of Lands for Taxes Due Thereon by County Treasurer.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2191 of the Revised Codes of Montana of 1921, as amended by Chapter 46 of the laws of the Eighteenth Legislative Assembly, be, and the same is hereby amended to read as follows:

Possessor may designate portion to be sold.

2191. The owner or person in possession of any real estate offered for sale for taxes due thereon may designate in writing to the County Treasurer, prior to the sale, what portion of the property he wishes sold, if less than the whole, but if the owner or possessor does not make such a designation, then the County Treasurer shall sell the said real estate so offered for sale in its entirety, and in case there is no purchaser in good faith for the same, as provided in this code, on the first day that the property is offered for sale, then the whole amount of the property assessed must be struck off to the County as the purchaser, and the duplicate certificate thereof delivered to the County Treasurer and filed by him in his office.

When county is purchaser.

HeinOnline -- 1929 56 1929

No charge must be made for the duplicate certificate when the County is a purchaser; and in such case, the County Treasurer must make an entry "Sold to the County" on the duplicate assessment book opposite the tax, and he must be credited with the amount thereof in the settlement. The County Treasurer is hereby authorized to assign the interest of the County in any property purchased at a tax sale upon the payment of the amount for which the property was sold with interest thereon from the date of sale, at the rate of twelve per cent per annum and the amount of all taxes then due upon said property. All certificates of sale heretofore issued to any County on the purchase by such County of real property sold at any delinquent tax sale and which certificates of sale are now held by such County, are hereby declared to be valid and subsisting certificates of sale for all purposes, notwithstanding any irregularities in the manner of publishing the delinquent tax list, or in holding such sale, or in selling such property or in the issuance of such certificates of sale, or in the form thereof, provided the taxes for which such property was sold were taxes authorized by law to be assessed against such property, and were lawfully assessed against the same and have not been paid.

Assignment.

Validation of all certificates of sale.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 27, 1929.

CHAPTER 32.

An Act Relating to the Open Season for the Killing and Taking of Elk in Certain Portions of Teton and Lewis and Clark Counties, State of Montana, Providing for the Powers and Duties of the Montana State Fish and Game Commission Relative to the Provisions of this Act, Making the Violation of this Act a Misdemeanor and Providing a Penalty for Such Violation.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the open season for elk in Teton County, Montana, not included within a game preserve, and all that portion of Lewis and Clark County, Montana, lying north of the North Fork of the Dearborn River, and

Teton and Lewis and Clark elk season.

HeinOnline -- 1929 57 1929

not included within a game preserve, shall begin October 15 and end December 1, both dates inclusive, of each year; provided, however, that the Montana State Fish and Game Commission shall in its discretion have power to shorten such season in said territory and declare said territory closed to the hunting or killing of elk at any time during the open season therein upon giving no less than five days notice thereof, by publishing such notice in at least one newspaper of general circulation circulated in said Counties, which said publication shall be at least five days prior to the time fixed by such Commission for the closing of such season.

Power of commission may shorten.

Section 2. During the open season for elk in the territory described and set forth in Section 1 of this Act, it shall be unlawful and a misdemeanor punishable as hereinafter provided, for any person to shoot, kill, take, or cause to be shot, killed, taken, more than one elk, or for any person during the closed season for elk to pursue, hunt, shoot, kill, take, capture, or cause to be pursued, hunted, shot, killed, taken or captured, or attempt to shoot, kill, or take any elk within said territory or for any person responsible for the death of any elk to wilfully waste any portion or portions of said elk which are suitable for food.

Penalty for violation.

Section 3. Any person violating any of the provisions of this Act or any of the orders, rules, or regulations of the Montana State Fish and Game Commission relating hereto, or made pursuant to the authority given it by this Act, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than Two Hundred Dollars ($200.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the County Jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

Punishment.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 27, 1929.

HeinOnline -- 1929 58 1929

CHAPTER 33.

An Act to Provide for the Publication of the Report of the State Examiner covering the Examination of the Various Incorporated Cities and Towns.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Upon receipt of the State Examiner's report covering the examination of the affairs of any incorporated city or town, it shall be the duty of the Mayor and the members of the City Council or City Commission to have such report entered and made a part of the minutes of the next regular meeting. Provided, further, that the State Examiner shall, at the time such report of examination is forwarded to the city or town officials, send a like copy to the official newspaper of the city or town for publication. Such publication shall be published in one issue of the aforesaid official newspaper forthwith and shall be a charge against the city or town at a rate to be agreed on but not to exceed that charged Boards of County Commissioners for the printing of the reports of the State Examiner.

Publication of State Examiners report.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 27, 1929.

CHAPTER 34.

An Act to Amend Section 662 of the Revised Codes of Montana of 1921, as Amended by Chapter 98, Laws of the Twentieth Legislative Assembly of 1927, Relating to the Election of County and City Central Committeemen.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 662 of the Revised Codes of Montana of 1921, as amended by Chapter 98, Laws of the Twentieth Legislative Assembly of 1927, be, and the same is hereby amended to read as follows:

Section 662. **County and City Central Committeemen, How Elected.** There shall be elected by each political

Election of precinct committeeman.

HeinOnline -- 1929 59 1929

party, subject to the provisions of this Law, at said primary nominating election, a Committeeman for each election precinct, who shall be a resident of such precinct. Any elector may be placed in nomination for Committeeman of any precinct by a writing so stating, signed by such elector, and filed in the office of the County Clerk within the time required in this Act for the filing of petitions naming individuals as candidates for nomination at the regular biennial primary election. The names of the various candidates for Precinct Committeemen of each political party shall be printed on the ticket of the same in the same manner as other candidates and the voter shall express his choice among them in like manner as for such other candidates. The Committeeman thus elected shall be the representative of his political party in and for such precinct in all Ward or Subdivision Committees that may be formed. The Committeemen elected in each precinct in each county shall constitute the County Central Committee of each of said respective political parties. Those Committeemen who reside within the limits of any incorporated city or town shall constitute ex-officio the City Central Committee of each of said respective political parties and shall have the same power and jurisdiction as to the business of their several parties in such city matters that the County Committees have in county matters, save only the power to fill vacancies in said Committee, which power is vested in the County Central Committee. Each Committeeman shall hold such position for the term of two years from the date of the first meeting of said Committee immediately following their election. In case of a vacancy happening, on account of death, resignation, removal from the precinct, or otherwise, the remaining members of said County Committee may select a Committeeman to fill the vacancy and he shall be a resident of the precinct in which the vacancy occurred. Said County and City Central Committees shall have the power to make rules and regulations for the government of their respective political parties in each county and city, not inconsistent with any of the provisions of this Law, and to elect the county members of the State Central Committee, and of the members of the Congressional Committee, and said Committee shall have the same power to fill all vacancies and make rules in their jurisdiction that the County Committees have to fill county vacancies and make rules. Said County and City Central Committees shall have the power to make

Nomination.

County central committee.

City central committee.

Term.

Vacancies.

Powers.

HeinOnline -- 1929 60 1929

nominations to fill vacancies occurring among the candidates of their respective parties nominated for city or county offices by the primary nominating election where such vacancy is caused by death or removal from the electoral district, or otherwise. Said Committees shall meet and organize by electing a Chairman and Secretary within thirty days after the candidates of their respective political parties shall have been nominated. They may select managing or executive Committees and authorize such Sub-Committees to exercise any and all powers conferred upon the County, City, State and Congressional Central Committees respectively by this Law. The Chairman of the County Central Committee shall call said Central Committee meeting and not less than fifteen days before the date of said Central Committee meeting, shall publish said call in a newspaper published at the County Seat and shall mail a copy of the call, enclosing a blank proxy, to each Precinct Committeeman. No proxy shall be recognized unless held by an elector of the precinct of the Committeeman executing the same.

Officers.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 27, 1929.

CHAPTER 35.

An Act to Amend Section 4462 of the Revised Codes of Montana of 1921, Relating to Time of Regular Meetings and Extra Sessions of Boards of County Commissioners and Repealing Section 4457 of the Revised Codes of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4462 of the Revised Codes of Montana 1921, be, and the same is hereby amended to read as follows:

Section 4462. **Regular Meetings—Extra Sessions.** The Board of County Commissioners, except as may otherwise be required of them, may meet at the county seat of their respective counties on the first Monday of each and every month of the year, for the purpose of allowing bills and attending to any other business that may regularly come before them, and may sit not exceeding three

Regular meetings of Board of County Commissioners.

HeinOnline -- 1929 61 1929

days at each session, except the December session, at which time they may sit not exceeding eight days. But the Board may at any time, by giving at least two days' posted public notice, hold an extra session of not over two days' duration; provided, that the limitations as to the time of sessions of the Board of County Commissioners contained in this Section shall not apply to counties of the first, second, third or fourth classes.

Extra sessions.

Section 2. Section 4457 of the Revised Codes of Montana and all Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1929.

CHAPTER 36.

An Act to Amend Section 10012 of the Revised Codes of Montana, 1921, Relating to Administration of Estates Less than Two Hundred Dollars in Value by Public Administrators, so as to Permit Public Administrators to Administer Estates of Value Five Hundred Dollars and Less, Without Letters of Administration.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10012 of the Revised Codes of Montana, 1921, be, and the same is hereby amended so as to read as follows:

Public Administrators authority in estates less than $500.00.

Section 10012. If the statement or statements furnished the Public Administrator in accordance with the provisions of Section 10010 show that the aggregate market value of the estate of such deceased person is Five Hundred Dollars ($500.00) or less in value, then, upon demand of the Public Administrator, the person, firm, bank, or corporation holding, controlling, or owning the same, or any part thereof, shall turn over, indorse, or surrender the same to such Public Administrator at once, without the issuance of letters of administration to him. The Public Administrator shall, upon receipt of the money, evidence of indebtedness, or other personal property, issue a receipt to the person, firm, bank, or corporation delivering the same to him fully describing

HeinOnline -- 1929 62 1929 .

the property received. Such receipt, signed by the Public Administrator, shall fully discharge the person, firm, bank, or corporation receiving the same from all further liability to the estate of said deceased person, to the amount of money or for the property set out in said receipt.

Section 2. All Acts and parts of Acts contrary to the provisions of this Act are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval, by the Governor.

Approved February 27, 1929.

CHAPTER 37.

An Act to Grant to the United States of America, Concurrent Police Jurisdiction Over the Rights of Way of the Blackfeet Highway, and Over the Rights of Way of its Connections with the Glacier Park Road System on the Blackfeet Indian Reservation in the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Concurrent police jurisdiction on Blackfeet highway.

Section 1. That concurrent police jurisdiction shall be, and the same is hereby granted to the United States of America, over and within all the territory which is now or may hereafter be included in the rights of way of the Blackfeet Highway, including the highway itself throughout its length between Glacier Park Station and the Canadian boundary line, and including also the rights of way of the highways on the Blackfeet Indian Reservation connecting the Blackfeet Highway with the Glacier Park road system, including the highways themselves.

When Authorized.

Section 2. That jurisdiction herein granted shall not vest until the United States of America through the proper officers, notifies the Governor of the State of Montana that they assume concurrent police jurisdiction over the said rights of way and the said highways.

Section 3. This Act shall be in full force and effect from and after its passage and approval and upon compliance by the United States of America with Section Two of this Act.

Approved February 27, 1929.

HeinOnline -- 1929 63 1929

CHAPTER 38.

An Act to Amend Section 4465 of the Revised Codes of Montana of 1921 as Amended by Chapter 95 of the Laws of the 18th Legislative Assembly, and as Amended by Chapter 54 of the 20th Legislative Assembly, Relating to the General and Permanent Powers of the Board of County Commissioners, by Adding to such Powers the Further Power and Authority to Lease and Demise County Buildings, Equipment, Furniture and Fixtures for Hospital Purposes and to Appraise the Rental Value Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4465 of the Revised Codes of Montana of 1921, as amended by Chapter 95 of the laws of the 18th Legislative Assembly and by Chapter 54 of the 20th Legislative Assembly, be, and the same is hereby amended and re-enacted to read as follows:

Powers of County Commissioners.

Section 4465. The Board of County Commissioners has jurisdiction and power under such limitations and restrictions as are prescribed by law:

Supervision.

1. To supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county, charged with assessing, collecting, safe keeping, management, or disbursement of the public revenues; see that they faithfully perform their duties; direct prosecutions for delinquencies; and, when necessary, require them to renew their official bonds, to make reports, and to present their books and accounts for inspection;

County supervision.

2. To divide the counties into township, school, road and other districts required by law, change the same, and create others as convenience requires, by consolidation of two (2) or more townships, or otherwise;

Elections.

3. To establish, abolish, and change election precincts, and to appoint judges of election, canvass all election returns, declare the result, and issue certificates thereof;

Highways.

4. To lay out, maintain, control, and manage public highways, ferries and bridges, within the county, and levy such tax therefor as required by law; provided, however, that they may, in the exercise of a sound discretion, jointly with other counties, lay out, maintain,

HeinOnline -- 1929 64 1929

control, manage, and improve public highways, ferries, and bridges in adjacent counties, wholly or in such part, as may be agreed upon between the Boards of County Commissioners of the counties concerned, and levy taxes therefor as provided by law;

5. To provide for the care and maintenance of the indigent sick, or the otherwise dependent poor of the county; erect and maintain hospitals therefor, or otherwise provide for the same; and to levy the necessary tax therefor, per capita, not exceeding Two Dollars, ($2.00) and a tax on property not exceeding three-fifths (3-5) of one per cent (1%) or either of such levies when both are not required, and to expend not to exceed five per cent (5%) of any such levy for the collection of said tax, or of any part thereof; Sick. Tax.

6. To provide a farm for the support of the poor of the county, and make regulations for working the same; Farm.

7. When there are no necessary county buildings, to provide suitable rooms for county purposes; Buildings.

8. To purchase, receive by donation, or lease any real or personal property necessary for the use of the county, preserve, take care of, manage, and control the same; but no purchase of real property must be made unless the value of the same has been previously estimated by three (3) disinterested citizens of the county appointed by the District Judge for that purpose, and no more than the appraised value must be paid therefor. Property.

9. To cause to be erected and furnished a court house, jail, hospital, and such other public buildings as may be necessary; Buildings.

10. The Board of County Commissioners of the several Counties in this State shall have the power to sell any property, real or personal, belonging to the County which is not necessary to the conduct of the County's business, or the preservation of its property. If the property, real or personal, sought to be sold is reasonably of a value in excess of $100.00, the sale shall be at public auction at the Court House door after fifteen days previous notice given by publication in a newspaper published in the County, notice to be published once a week for two successive weeks and posted in five public places in the County. The sale shall be for cash, or on such terms as the Board of County Commissioners may approve, provided at least twelve and one half (12½%) per cent of the purchase price shall be paid in cash. In all sales of property of a Sale of propperty.

HeinOnline -- 1929 65 1929

value in excess of $100.00 there must, before any sale, be an appraisal thereof by three disinterested citizens of the County appointed by a District Judge for that purpose, which appraisal must be made and filed with the County Clerk and Recorder within three months prior to the date of sale, and no sale shall be made for less than ninety (90%) of the appraised value of the property. All deferred payments upon the purchase price shall bear interest at the rate of six per cent (6%) per annum, and shall not extend over a period of more than eight years.

Less than $100.00 valuation.

If the property to be sold is reasonably of a value of less than $100.00 sale thereof may be had at public or private sale as may in the discretion of the County Commissioners appear to be to the best interest of the County. If it be at public sale they shall give notice by posting a notice in five public places in the County at least five days before the date of sale. No title to any property sold under the provisions of this Act shall pass from the County until the purchaser, or his assigns, shall have paid the full amount of the purchase price thereof into the County Treasurer for the use and benefit of the County.

Fee for appraisers.

Appraisers appointed to appraise property under the provisions of this Act shall be allowed $5.00 per day for each day necessarily occupied in making such appraisal and their actual expense.

Accounts.

11. At the regular meetings of the board, to examine and allow the accounts of all officers having the care, management, collection or disbursement of moneys belonging to the county, or appropriated by law or otherwise for its use and benefit;

Accounts.

12. At the regular meetings of the board to examine, settle, and allow all accounts legally chargeable against the county except salaries of officers, and order warrants to be drawn on the County Treasurer therefor, and provide for the issuing of the same;

Taxes.

13. To levy such tax annually, on the taxable property of the county for county purposes as may be necessary to defray the current expenses therefor, including salaries otherwise unprovided for, not exceeding sixteen (16) mills on each dollar of the assessed valuation for any one (1) year; and to levy such taxes as are required to be levied by special or local statutes;

Assessments.

14. To equalize the assessments;

HeinOnline -- 1929 66 1929

15. To direct and control the prosecution and defense of all suits to which the county is a party; Suits.

16. To insure the county buildings in the name of and for the benefit of the county; Insurance.

17. To grant licenses for keeping ferries, and such other licenses as are provided by law; Licenses.

18. To fix the compensation of all county officers not otherwise in this code or by general or special law fixed, and provide for the payment of the same; Compensation for Officers.

19. To fill by appointment all vacancies that may occur in county, township, or precinct offices, except in the office of County Commissioner; Vacancies.

20. To contract for the county printing, and provide books and stationery for county officers; Printing.

21. At the adjournment of each session of the Board to cause to be published in a newspaper, a complete list of all claims ordered paid for all purposes showing name, purpose and amount and a fair summary of the minutes and records of all of its proceedings, and also to be published annually in a newspaper the County Clerk's annual statement of the financial condition of the county; and provided that publication of such minutes and record of proceedings must be made within twenty-one (21) days after the adjournment of the session, and publication of the financial statement must be made within thirty (30) days after the presentation of the same to the Board of County Commissioners, and the Board of County Commissioners shall not allow or order paid any claim for any such publication of minutes and record of proceedings or annual financial statement unless made within the time herein prescribed therefor; Claims. Financial Statement.

22. To represent the county, and have the care of the county property, and the management of the business and concerns of the county in all cases where no other provision is made by law; Management.

23. To make and enforce such rules for its government, the preservation of order and the transaction of business, as may be necessary; Rules.

24. To adopt a seal for the board, a description and impression whereof must be filed by the clerk in the offices of the County Clerk and Secretary of State; Seal.

25. To perform all other acts and things required by law not in this title enumerated, or which may be neces- Other duties.

HeinOnline -- 1929 67 1929

sary to the full discharge of the duties of the chief executive authority of the county government;

Borrow money.

26. To borrow money upon the credit of the county to meet current expenses, if the county revenue is insufficient;

Building sites.

27. To issue on the credit of the county coupon bonds to an amount sufficient to secure the necessary funds for the procurement of necessary building sites, for the construction of necessary public buildings, and for the construction of bridges and highways, in accordance with the provisions of Article III and IV, Chapter II, Title II, Part IV of the Political Code.

Equipment.

28. To lease and demise county buildings, equipment, furniture and fixtures, for hospital purposes, with full power of lessor, except as hereinafter limited, upon such terms and conditions as the Board shall decide upon. The rentals received under such lease or leases shall be paid into the general fund of the county.

Limit of lease.

No such lease and demise shall be made for a longer period than five years, nor shall said Board enter into a contract of lease without and until first having advertised in a newspaper published in the county at least once a week for five weeks that the said buildings and equipment are for lease for hospital purposes.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed; provided, however, that nothing in this Act shall be construed to alter or repeal the provisions of Chapter 102, Laws of the Twentieth Legislative Assembly of the State of Montana, 1927.

Section 3. This Act shall be in full force from and after its passage and approval.

Approved February 27, 1929.

HeinOnline -- 1929 68 1929

CHAPTER 39.

An Act To Amend Section 7149 of the Revised Codes of Montana, as Amended by Section Four of Chapter 125 of the Laws of the Nineteenth Legislative Assembly Relating to the Collection of Fees, Expenses and Compensation of Water Commissioners and the Payment of Liens Therefor and Providing for Withholding the Admeasurement and Distribution of Water until the Payment Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7149 of the Revised Codes of Montana of 1921, as amended by Section 4 of Chapter 125 of the Laws of the Nineteenth Legislative Assembly, be and the same is hereby amended so as to read as follows:

Section 7149. **Effect of Order Fixing Fees and Compensation—Lessees—Issuance of Execution.** After the order of the court fixing the fees and compensation and expenses of the water commissioner is final, it shall have all the force and effect of a judgment as against the person to whom the water was admeasured, and for whose benefit it was used. When such expense of commissioner or commissioners has been assessed against the land for which such service of the commissioner or commissioners has been rendered, it shall constitute a lien against said land. Execution may issue upon the order as upon a judgment by direction of the court or judge upon the application of any person interested therein and provided further that the water commissioner, at his discretion, may withhold further admeasurement or distribution of water to any person otherwise entitled thereto, until such person shall have paid all fees, compensation and expenses of such water commissioner or commissioners, so fixed by the court and apportioned and charged to such person and likewise may withhold the admeasurement and distribution of water from any land against which there exists any such lien as aforesaid, until such lien shall have been fully discharged.

Fees for water commissioner.

Lien on land.

Execution.

Withholding of water.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1929.

HeinOnline -- 1929 69 1929

CHAPTER 40.

An Act to Amend Section 6340 of the Revised Codes of the State of Montana, 1921, Relating to Medical Examination, Number of Certificates and Mortality Tables of Fraternal Benefit Societies.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6340 of the Revised Codes of the State of Montana, 1921, be and the same is hereby amended to read as follows:

Issuance of benefit certificates.

Section 6340. No benefit certificate as to any child shall take effect until after such examination or inspection as may be required by the laws of the Society, nor shall any such benefit certificate be issued unless the society shall simultaneously put in force at least five hundred such certificates, on each of which at least one assessment has been paid, nor where the number of lives represented by such certificate fall below five hundred.

Benefit contributions, how based.

The death benefit contributions to be made upon such certificate shall be based upon the "standard industrial mortality table" or the "English life table number six" and a rate of interest not greater than four per cent per annum, or upon a higher standard; provided, that contributions may be waived or returns may be made from any

Extra contributions.

surplus held in excess of reserve and other liabilities, as provided in the by-laws, and, provided further that extra contributions shall be made if the reserves hereafter provided for become impaired.

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 1, 1929.

HeinOnline -- 1929 70 1929

CHAPTER 41.

An Act to Provide for the Transfer of Accumulated Unidentified and Unclassified Cash Items in the Office of the State Treasurer to the General Fund of the State of Montana and Authorizing the State Treasurer to Transfer the same When Accumulated.

Be it enacted by the Legislative Assembly of the State of Montana:

Unclassified cash items.

Section 1. That certain accumulated unidentified and unclassified cash items amounting to $82.62, now in the possession of the state treasurer, are hereby transferred to the General Fund of the State of Montana, and the state treasurer is authorized to make a transfer accordingly.

Future items.

Section 2. That any unidentified and unclassified cash items that may hereafter come into the possession of the state treasurer may be transferred to the General Fund of the State of Montana, by the state treasurer.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect immediately upon its passage and approval.

Approved March 1, 1929.

CHAPTER 42.

An Act Defining, Regulating and Providing for the Licensing of Fur Dealers and Their Agents and Providing Penalties for the Violation of this Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Fur dealers designated.

Section 1. Any person or persons, firm, company or corporation engaging in, carrying on, or conducting wholly or in part the business of buying or selling, trading or dealing, within the State of Montana, in the skins or pelts of any animal or animals, designated by the laws of Montana as fur-bearing or predatory animals, shall be deemed a fur dealer within the meaning of this Act. If such fur dealer resides in or if his or its prin-

HeinOnline -- 1929 71 1929

cipal place of business is within the State of Montana he or it shall be deemed a resident fur dealer. All other fur dealers shall be deemed non-resident fur dealers.

Records.

Section 2. Every fur dealer shall keep a book in which shall be recorded separately on the date of each transaction the following facts:

(a) The number and kind of all skins or pelts purchased or sold by such fur dealer.

Contents.

(b) The place where such skins or furs were killed or trapped and a separate record of all such skins or pelts as were killed or trapped outside the State of Montana.

(c) The trapping license number under which such furs or pelts were taken in cases where a trapper's license is required for the taking thereof.

(d) The names and addresses of the persons to whom such skins or pelts were sold or from whom they were purchased.

Inspection.

Said book shall be open at all reasonable times to the inspection of the State Fish and Game Warden or any of his deputies, or any United States Game Warden, and shall be preserved and accessible for one year after the expiration of any license granted to said fur dealer.

License.

Section 3. All fur dealers as defined in this Act shall before buying, selling or in any manner dealing in the skins or pelts of any fur-bearing or predatory animal within the State of Montana secure a Fur Dealer's License from the State Fish and Game Warden, provided that no license shall be required for a hunter or trapper selling skins or pelts which he has lawfully taken, nor for any person not a fur dealer who purchases any such skins or pelts exclusively for his own use and not for sale.

Classification of licenses.

Section 4. The following classes of licenses shall be issued to-wit:

Resident Fur Dealer's License.

Non-resident Fur Dealer's License.

Fur Dealer's Agent's License.

and the following fees charged therefor:

Resident Fur Dealer's License, One ($1.00) Dollar.

Non-resident Fur Dealer's License, Twenty-five ($25.00) dollars.

Fur Dealer's Agent's License, Ten ($10.00) Dollars.

Any person who is employed by a resident or non-resi-

HeinOnline -- 1929 72 1929

dent fur dealer as a fur buyer shall be deemed a fur dealer's agent. Application for a Fur Dealer's Agent's License must be made by the fur dealer employing said agent and no agent's license shall be issued until the necessary Fur Dealer's License has first been secured by the employer of said agent.

Section 5. The license required by this Act shall be issued annually and shall expire on April 30 of each year and no reduction in the fee charged for said license shall be made in any case where said license runs for less than one year. When issued.

Section 6. Any person, firm, company or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Twenty-five Dollars ($25.00) nor more than Three Hundred Dollars ($300.00) or shall be imprisoned in the County jail for not to exceed thirty days or shall suffer both such fine and imprisonment. Violations and penalties.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 8. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 1, 1929.

CHAPTER 43.

An Act Amending Section 3695 of the Revised Codes of the State of Montana for 1921, as Amended by Section Six of Chapter 77 of the Laws of the Eighteenth Legislative Assembly, Pertaining to Regulations for use of Artificial Fish Ponds.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3695 of the Revised Codes of the State of Montana for 1921, as amended by Section Six of Chapter 77 of the Laws of the Eighteenth Legislative Assembly, be amended to read as follows:

Section 3695. Any person who owns or lawfully controls an artificial lake or pond may stock the same with fry procured from the Federal or from the State Government at the prevailing market price, providing there is Purchase of fry.

HeinOnline -- 1929 73 1929

a surplus of said fry, or from any other lawful source, and shall thereafter have the right and privilege to take from said lake or pond in any manner, except by the use of poison or explosives, the fish therein contained, and to sell and dispose of said fish and of eggs and fry therefrom. The words "artificial lake or pond" as herein used shall not be construed to include any natural pond or body of water created by natural agencies, but shall be limited only to such bodies of water as are created by the artificial diversion or storage of water and shall not exceed 500 acres of surface area. Provided, however, that such owner shall procure a license in the manner provided by the laws of the State of Montana, and shall furnish a good and sufficient bond to the State of Montana, in the sum of Two Hundred Dollars ($200.00), conditioned to the effect that he will not sell fish caught in any of the public water of this State, and also conditioned to the effect that such owner or holder will report to the State Game Warden the quantity of fish, fish eggs and spawn taken from said lake or pond, and sold from and planted in, said lake or pond during any calendar year. Said report to be made under oath annually in the month of January of each year.

Artificial pond defined.

License.

Bond.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 1, 1929.

CHAPTER 44.

An Act Relating to the Acquisition by the United States of Lands and Waters within the State of Montana for the Purpose of Creating, Developing and Maintaining Refuges for Migratury Wild Fowl.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of more effectively cooperating with the United States, in the acquisition, development and maintenance of refuges for migratory wild fowl as provided in Senate Bill No. 1271, passed by the second session of the Seventieth Congress of the United

United States Acquisition of game preserves.

HeinOnline -- 1929 74 1929

States, and commonly known as, and called, the Migratory Bird Conservation Act, permission is hereby granted to the United States, to acquire by purchase, gift or lease, lands and waters within the State of Montana, which the Secretary of Agriculture of the United States may deem necessary and suitable for the purpose provided in said Act, provided that the jurisdiction of the State of Montana, both civil and criminal, over persons upon areas acquired under this Act, shall not be affected or changed by reason of their acquisition and administration by the United States, as migratory bird reservations, except so far as the punishment of offenses against the United States is concerned, and provided further that nothing in this Act is intended to interfere with the operation of the game laws of the State of Montana, applying to migratory game birds, insofar as they do not permit what is forbidden by Federal Law.

Jurisdiction.

Section 2. All Acts or parts of Acts in conflict with this Act are hereby repealed to the extent of such conflict.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1929.

CHAPTER 45.

An Act to Define and Establish the Boundary Line Between Powder River and Carter Counties.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the boundary line between Powder River County and Carter County of the State of Montana, be, and the same is hereby established and defined and shall hereafter be known as follows:

Establishment of boundary line between Powder River and Carter Counties.

Beginning at the intersection of the Montana base line with the range line between ranges 54½ east and 55 east thence due south along said line to the line between Township One (1) south and Township Two (2) south; thence due east approximately one-half mile to the line between Township 54 east and Township 55 east thence due south along said range line to its intersection with the Montana Wyoming State line.

HeinOnline -- 1929 75 1929

Section 2. The boundaries of Carter County are hereby altered to conform to the boundaries of Powder River County as established by this Act.

Section 3. This Act is hereby declared an emergency measure and shall be in full force and effect after its passage and approval.

Approved March 1, 1929.

CHAPTER 46.

An Act to Amend Section 1275 Revised Codes of Montana 1921 as Amended by Chapter 69 of the Session Laws of 1923, and Thereafter Amended by Chapter 107 of the Session Laws of 1925, Relating to County High School Tax Levy and the Distribution Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1275 of the Revised Codes of Montana 1921 as amended by Chapter 69 of the Session Laws of 1923 and thereafter amended by Chapter 107 of the Session Laws of 1925 be, and the same hereby is amended to read as follows:

Section 1275. At the regular April meeting, or at some subsequent meeting, called for such purpose, said trustees shall make an estimate of the amount of funds needed for building purposes, for payment of teachers' wages, and for payment of contingent expenses, and they shall present to the Board of County Commissioners a certified estimate of the rate of tax required to raise the amount desired for such purposes, and the Board of County Commissioners must levy such tax as other county taxes are levied. But in no case shall the tax for such purposes exceed in one year the amount of seven mills on the dollar on the taxable property of the county.

Computation of tax.

Up to and inclusive of seven mills the entire proceeds of the levy shall be apportioned as heretofore provided by law except as hereinafter provided. If the total enrollment in the county high school, as of October first, is less than fifty per cent of the total high school enrollment in said county, the county high school board may, if said tax exceeds six mills, direct that the proceeds of any ad-

Apportionment.

HeinOnline -- 1929 76 1929

ditional millage be used for the support of the County high school alone.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1929.

CHAPTER 47.

An Act to Amend Chapter 98 of the Session Laws of the Eighteenth Legislative Assembly Relating to the Qualifications of Electors Entitled to Vote Upon Proposals to Create or Increase Indebtedness of the City, Town, School District or Other Municipal Corporations and Relating to Official Duties Concerned Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 98 of the Session Laws of the Eighteenth Legislative Assembly be, and the same is hereby amended to read as follows:

Section 1. That from and after the passage and approval of this Act, only such registered electors of the city, town, school district, or other municipal corporation whose names appear upon the last preceding assessment roll shall be entitled to vote upon any proposal to create or increase any indebtedness of city, town, school district or other municipal corporation, required by law to be submitted to a vote of the electors thereof. Qualified voters.

Section 2. The county clerk shall, immediately after the closing of the registration books of his county preceding such election, as provided by law, prepare lists of the registered electors of the city, town, school district, or other municipal corporation whose names appear upon the last preceding assessment roll, and shall prepare pollbooks therefor as provided by Section 568, Revised Codes of Montana of 1921, and furnish copies thereof to the city, town, school district or municipal corporation in which such election is to be held for which he shall receive compensation as provided in Section 571, Revised Codes of Montana of 1921. When the election is upon a List of registered electors.

HeinOnline -- 1929 77 1929

proposal to create or increase the indebtedness of a city, town, school district or other municipal corporation, the County Clerk shall deliver such lists to the clerk of the city, town, school district or other municipal corporation, holding such election, and it shall be his duty to post such lists in the manner provided in said Section 567.

Posting of lists.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage.

Approved March 1, 1929.

CHAPTER 48.

An Act to Amend Section 1271 of the Revised Codes of Montana 1921 as Amended by Chapter 127 of the Eighteenth Session Laws of the Legislative Assembly Relating to the Powers and Duties of Boards of Trustees of County High Schools.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1271 of the Revised Codes of Montana of 1921, as amended by Chapter 127 of the Session Laws of the Eighteenth Legislative Assembly, be and the same is hereby amended to read as follows:

Powers and duties.

1271. **Powers and Duties.** The Board of Trustees shall have power and it shall be their duty:

Record.

1. To keep a record of all the official acts done by said board and to keep a full record of all warrants issued against moneys belonging to said county high school. Payments of money can only be made upon warrants drawn against said funds belonging to said high school, and each warrant so drawn must specify upon its face the purpose for which it is drawn.

Warrants.

Location.

Purchases.

2. To proceed, as soon as practicable after their appointment and qualification, to select at the place designated as the location for county high school, the best site that can be obtained, and the title thereto, upon securing said site by purchase or otherwise shall vest in the county; the trustees shall then proceed to make purchase of

HeinOnline -- 1929 78 1929

material and to let such contracts for necessary school buildings as they may deem proper. They shall not, however, make any purchase or enter into any contract, whereby obligations are assumed in excess of the amount of funds on hand, or available through the levy of taxes for the current year, or the issuance of bonds.

Limit.

3. To lease, at their discretion, suitable buildings for the use of the high school while the new buildings are in process of erection, or to contract with the trustees of the local school district, or any other parties, for the use of suitable buildings for high school purposes for such time as may be deemed best for the interests of the county.

Leases.

4. To employ, for a period not to exceed two years, some suitable person to take charge of said school, who shall possess such qualifications as are now required to be possessed by a city superintendent of schools; except that said principal shall not be required to possess more than three years of experience in teaching; to furnish such assistant teachers as they may deem necessary, and to designate the salaries which shall be paid to said principal and assistant teachers; provided, that such teachers shall be required to have the qualifications required of a teacher to hold a position in a district high school and also to a valid Montana certificate.

Qualifications of one in charge.

5. To adopt, on the recommendation of the principal such courses of study as will properly fit the student attending said high school for admission to the collegiate class of any of the State Educational Institutions and such course of study shall contain the work now provided for accredited high schools by the State Board of Education.

Courses of study.

6. To admit pupils without tuition under such rules and regulations as they may deem proper in regard to age and grade of attainments essential to entitle pupils to admission to such schools; provided, that no person shall be admitted to such high school who shall not have satisfactorily completed the work of the elementary grades. All eligible pupils in the county are entitled to attend the county high school, and it shall be the duty of the board to provide accommodations for such pupils.

Eligibility.

7. To admit pupils from other counties, when there is room, upon the payment of such tuition as the board of trustees may prescribe; but at no time shall such pupils continue in such school to the exclusion of pupils residing in the county in which such school is located.

Pupils from other counties.

HeinOnline -- 1929 79 1929

Equipment.

8. To provide, by purchase or otherwise, for school books, school furniture, repair of school buildings, furnishings or equipment and for other things needed in the school house or on the school grounds or for the use of the school board.

Leases.

9. To rent, lease and hire such halls, gymnasiums and buildings and portions of buildings as may be suitable for public entertainments to such persons, associations or corporations as the board may deem proper and to collect from such persons, associations or corporations renting and leasing such buildings or portions thereof, such charges as may be fixed by the Board and deposit such rent with the County Treasurer to the credit of the High School district.

Section 2. All Acts and parts of Acts, in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1929.

CHAPTER 49.

An Act to Amend Section 4767 of the Revised Codes of Montana of 1921 as Amended by Chapter 89 of the Laws of the Eighteenth Legislative Assembly and as Further Amended by Chapter 137 of the Laws of the Nineteenth Legislative Assembly and by Chapter 134 of the Laws of the Twentieth Legislative Assembly, Relating to the Deposit of County, City, and Town Funds.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4767 of the Revised Codes of Montana of 1921, as amended by Chapter 89 of the Laws of the Eighteenth Legislative Assembly and as further amended by Chapter 137 of the Laws of the Nineteenth Legislative Assembly, and as further amended by Chapter 134 of the Laws of the Twentieth Legislative Assembly, be and the same is hereby amended to read as follows:

Section 4767. **Deposit of Public Funds.** It shall be the duty of all county, city and town treasurers to deposit all public moneys in their possession and under their

HeinOnline -- 1929 80 1929

control in any solvent bank or banks located in the county, city or town of which such treasurer is an officer, subject to national supervision or state examination as the Board of County Commissioners in the case of a county, or of the council in the case of a city or town, may designate, and no other. The sums so deposited shall bear uniform interest at the rate of not more than two per centum (2%) per annum, payable quarter annually. The Treasurer shall take from such banks such security as the Board of County Commissioners, in the case of a county, or the council, in the case of a city or town, may prescribe, approve and deem fully sufficient and necessary to insure the safety and prompt payment of all such deposits on demand, together with the interest thereon. Such securities shall consist of bonds of some surety company authorized to do business in the State of Montana, or bonds guaranteed by such companies directly or indirectly, bonds and securities of the United States Government and its dependents, bonds and warrants of the State of Montana or of any county, city, town or school district of Montana, Federal Land Bank bonds, bonds of other States and Counties of other States, bonds of the Dominion of Canada, and Canadian Provinces and other Canadian bonds guaranteed by the Canadian government or Provinces thereof, personal bonds, as hereinafter provided, when accompanied by a sworn statement of the resources and liabilities of each of the sureties thereon, which shall be attached and made a part of the bond and bonds issued in the United States of America, which are quoted on the New York market, which shall be acceptable at not to exceed ninety per cent (90%) of such market quotation. Provided, further, that when negotiable securities are furnished, such securities may be placed in trust and the trustees receipt may be accepted in lieu of the actual securities when such receipt is in favor of the Treasurer, his successors and the State of Montana, and the form of receipt and the trustee have been approved by the State Examiner. All warrants or other negotiable securities must be properly assigned or endorsed in blank. It shall be the duty of the Board of County Commissioners in the case of county funds, or the council in the case of funds of a city or town, upon the acceptance and approval of any of the above mentioned bonds or securities, to make a complete minute entry of such acceptance and approval upon the record of their proceedings, and such bonds and securi-

Deposit of public funds.

Security.

What securities acceptable.

Approval.

HeinOnline -- 1929 81 1929

ties shall be reapproved at least quarter annually thereafter. When more than one bank is available in any county, for the deposit of county funds, or in any city or town for the deposit of city or town funds, such deposits shall be distributed ratable among all of such banks qualifying therefor, substantially in proportion to the paid-in capital and surplus of each such bank willing to receive such deposits under the terms of this Act, and it shall be the duty of said county, city or town treasurer to prorate all such deposits among all of the banks qualified to receive the same as in this Act provided, to the end that an equitable distribution of such deposits shall be maintained. Whenever it shall come to the attention of the State Examiner that the funds of any county, city or town are not properly distributed as provided in this Act, the State Examiner shall order the Treasurer of such county, city or town to distribute said funds in accordance herewith, and if such treasurer shall refuse or neglect to comply with such order, it shall be the duty of the State Examiner to institute proceedings against such treasurer at the cost of the county, city or town of which such treasurer is an officer, on the official bond of such treasurer. If no such bank exists in the county, city or town, or if any bank or banks existing therein fails or refuses to qualify under the terms of this Act to receive such deposits, then and in such case, or in either of such cases, such moneys as have not been accepted by any bank or banks within said county, city or town, shall be deposited under the terms of this Act, in the bank or banks most convenient to such county, city or town, willing to accept such deposits under the terms of this Act, and qualified as above provided. Any bank or banks receiving such deposits, shall, through its president and cashier, make a statement quarter annually of account, under oath, showing all such moneys that have been deposited with such bank during the quarter, the amount of daily balance in dollars, and the amount of interest by such bank or banks credited or paid therefor, and showing that neither such bank nor any officer thereof, nor any person for it, has paid or given any consideration or emolument whatsoever to the treasurer or to any other person other than the interest provided for herein, for or on account of the making of such deposits, with any such bank. All such deposits shall be subject to withdrawal by the treasurer in such amounts as may be necessary from time to time, and no deposit of funds

Proration of deposits.

Powers and duties of State Examiner.

Banks Outside of county.

Statements and accounts.

HeinOnline -- 1929 82 1929

shall be made, or permitted to remain in any bank, until the security for such deposits shall have been first approved by the Board of County Commissioners in the case of county funds, or by the council in the case of city or town funds, and delivered to the treasurer. All interest paid and collected on such deposits shall be credited to the general fund of the county, city or town to whose credit such funds are deposited. Where moneys shall have been deposited in accordance with the provisions of this Act, the treasurer shall not be liable for loss on account of any such deposit that may occur through damage by the elements, or for any other cause or reason occasioned through means other than his own neglect, fraud, or dishonorable conduct.

Approval of securities.

Liability.

No personal bond shall be accepted except when such bond is for the purpose of renewing a personal bond now in effect, and from and after December 31, 1930, personal bonds shall not be considered as acceptable security; provided, further, that from and after the passage and approval of this Act, no new or additional deposit accounts shall be opened by any treasurer under any personal bond.

Personal bonds.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1929.

CHAPTER 50.

An Act to Amend Section 1569 of the Revised Codes of Montana, 1921, and to Prescribe the Salary of the Assistant in the Law Library.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1569 of the Revised Codes of Montana, 1921, be and is hereby amended to read as follows:

Section 1569. **Assistant—Employment and Salary.** To carry out the provisions of this Act, the Librarian of the Law Department of the State Library is hereby authorized, and empowered to employ an assistant at a salary

Library assistant and salary.

HeinOnline -- 1929 83.1929

of eighteen hundred dollars ($1800.00) per year, payable in monthly installments of one hundred and fifty dollars ($150.00) each.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1929.

CHAPTER 51.

An Act to Authorize Counties to Acquire by Gift, Purchase, Deed, Lease, or otherwise Property for Parks, and to Provide for their Equipment, Maintenance, Operation, Control and Management as to Public Use.

Be it enacted by the Legislative Assembly of the State of Montana:

Public camping grounds.

Section 1. The several counties of this State are hereby authorized and empowered to acquire by purchase, grant, deed, gift, devise or condemnation, or otherwise, lands in one tract, suitable for public camping and public recreational purposes, or may lease such land tracts, each of which shall be so situated as to offer ready access to a public highway.

Limit of expenditures.

Section 2. All tracts of lands acquired under this Act shall be set aside and used exclusively for public camping and recreational purposes, and each park so established and created shall be given an appropriate name or number. Provided, however, that no county shall be authorized to expend to exceed Two Hundred and Fifty Dollars ($250.00) for the purpose of acquiring and equipping such a park, and may not thereafter spend to exceed Fifty Dollars ($50.00) per year in maintenance of the same; provided further that the limitations as to expenditures set forth herein shall not apply to counties of the first. second, third and fourth classes.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1929.

HeinOnline -- 1929 84 1929

CHAPTER 52.

An Act to Establish a Game Preserve in a Portion of Judith Basin County, for the Protection of Game Animals and Birds, to be Known as Judith River Game and Bird Preserve, and Providing Penalties for the Killing, Hunting, Trapping and Pursuing Any Game Animals or Birds in Such Preserve, or the Carrying of Fire-Arms Therein.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the better protection and propagation of game animals and birds, the following described area in Judith Basin County, in the State of Montana, is hereby set aside as the Judith River Game and Bird Preserve. Judith River game and bird preserve.

Beginning at a point which is the intersection of the boundary of the Jefferson National Forest and the center of the Middle Fork of the Judith River, thence up the center of Middle Fork to the mouth of Weatherwax Creek, thence up the center of Weatherwax Creek to the mouth of Cottin's Creek, thence up the center of Cottin's Creek to the west boundary of Judith Basin County, thence southeasterly along the boundary of Judith Basin County to the nearest point of the South Fork of the Judith River, thence to source of said South Fork, thence down the center of said South Fork to the intersection with the boundary of the Jefferson National Forest, thence north along the boundary of the Jefferson National Forest to the place of beginning. Description.

Section 2. It shall be unlawful for any person to hunt for, trap, capture, kill or take, or cause to be hunted for, trapped, or killed any game animals or birds of any kind whatever, within the limits of the said preserve; or to carry or discharge any firearms, or to create any unusual disturbance, tending to or which may frighten or drive away any of the game animals or birds or to chase the same with dogs or hounds in said preserve; provided, however, that permits to capture animals or birds for the purpose of propagation, or for scientific purposes or to destroy mountain lions, wolves, foxes, coyotes, wild cats, or other predatory animals or birds, or for carrying firearms, may be issued by the State Game Warden upon the payment of such fees, and in accordance with such Purpose.

HeinOnline -- 1929 85 1929

regulations as may be established for the said preserve by the State Game and Fish Commission.

Penalty.

Section 3. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Twenty-Five Dollars ($25.00), nor more than Three Hundred Dollars ($300.00), or by imprisonment in the county jail for not less than thirty days (30) nor more than six months (6), or by both such fine and imprisonment.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1929.

CHAPTER 53.

An Act to Establish Standard Threads on Fire Hose Couplings and Hydrant Fittings and to Provide for Standardization of Existing Equipment for Fire Protection Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Standard equipment.

Section 1. That hereafter all equipment for fire protection purposes purchased by state and municipal authorities, or any other authorities having charge of public property, shall be equipped with the standard thread for fire hose couplings and hydrant fittings designated as the national standard, as adopted by the National Board of Fire Underwriters, which standard is hereby designated as the standard for such equipment in the State of Montana.

Supervision of State Fire Marshal.

Section 2. The standardization of existing fire protection equipment in this State shall be arranged for and carried out by or under the direction of the State Fire Marshal of Montana. The State Fire Marshal is authorized to proceed to make such changes as may be necessary to standardize all existing fire protection equipment in this State immediately after this Act becomes effective. He shall provide such appliances as are necessary for carrying on this work and shall proceed with such standardization as rapidly as possible and complete such work at the earliest date circumstances will permit.

HeinOnline -- 1929 86 1929

Section 3. The State Fire Marshal shall notify industrial establishments and property owners having equipment for fire protection purposes, which it may be necessary for a fire department to use in protecting the property or putting out fire, of the changes necessary to bring their equipment up to the requirements of the standard hereby established and shall render them such assistance as may be available in converting their equipment to standard requirements.

Duties of Fire Marshal.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1929.

CHAPTER 54.

An Act Amending Section 5308 of the Revised Codes of Montana of 1921, relating to the Vacation of Plats in Abandoned Towns or Town Sites, Empowering the County Commissioners to Vacate Lots, Streets, Alleys and Parks in Such Towns, and Providing for the Vacating or Excluding of Portions of Said Towns or Town Sites by the District Court of the County Where Said Towns or Town Sites are Located, and Providing a Procedure Therefor, and for Assessing Such Excluded Portions of Said Towns or Town Sites.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5308 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Section 5308. **Vacation of Plats in Abandoned Town Sites.** When there shall have been filed in the office of the County Clerk in any county in this State, a plat of any village or town site, and such village or town site shall not contain any post office, store, or other business house, and the lands upon which the same is situated shall be owned by one or more persons, the County Commissioners of the County in which such village or town site is situated may, upon petition of the persons owning all the real estate occupied by such village, upon such conditions as may be reasonable, vacate the lots, streets and alleys, parks and boulevards, in such village or town

Vacation of plats in abandoned towns.

HeinOnline -- 1929 87 1929

Portions of towns.

site, and the designation of such property shall be made by metes and bounds, and the same shall be assessed accordingly. Provided, however, that when only a portion or portions of any village or town site in any unincorporated village or town is sought to be vacated or excluded therefrom and said portion or portions is, not less than four blocks in area, and situated at the limits or boundaries of said village or town site, a verified petition may be filed in the Office of the Clerk of the District Court of the County where said village or town site is situated by the owner or owners of all the property sought to be vacated or excluded, which petition shall be addressed to the District Court of the said County, setting forth the description of the portion or portions sought to be excluded and the reason or reasons for desiring such portion or portions to be excluded. A citation shall thereupon be issued by the Judge of the Court before whom said matter is pending, citing all persons interested in said matter to appear before said Court at a time and place specified in said citation, but at a time not less than three weeks from the date of said citation, which citation shall be published in a newspaper of regular circulation in the said County, or if no such newspaper is in said County, then in such a newspaper located in an adjoining county of the State, which citation shall be published once a week for two successive weeks before the date of said hearing. Upon the hearing of said petition and upon conditions that may seem reasonable, the Court may vacate and exclude the portion or portions of said village or town site as prayed for in said petition, including any streets, alleys, parks or boulevards upon which no public easement or easements shall vest, and such excluded property shall be described by metes and bounds in the decree of the Court, and said property shall be assessed accordingly.

Petitions.

Citation.

Hearing.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1929.

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CHAPTER 55.

An Act to Regulate the Moving of Houses, Buildings, Derricks and Other Structures, When it is Necessary in Connection Therewith to Cut, Move, Raise or in any Manner Interfere with any Electric Light or Electric Power Wire or Poles.

Be it enacted by the Legislative Assembly of the State of Montana:

Moving buildings. Wire interference.

Section 1. No person, firm or corporation moving, hauling or transporting any house, building, derrick or other structure shall cut, move, raise or in any manner interfere with an electric light or electric power wire or poles without giving notice to the owner of said wire or poles, as hereinafter provided.

Notice.

Section 2. **Notice.** The person, firm or corporation moving any house, building, derrick or other structure shall give to the person, firm or corporation owning or operating such wire or poles at their nearest office, and also at their principal office within the state, not less than three days' written notice of the time and place, when and where the removal of said poles or the cutting, raising, moving or otherwise interfering with said poles or wires will be necessary.

Duties of company.

Section 3. **Duties of the Company in Such Case.** It shall then be the duty of any person, firm or corporation owning or operating said poles or wires after service of notice, as required by Section Two, to furnish competent workmen or linemen to remove such poles, or raise or cut such wires as will be necessary to facilitate removing such house, building, derrick or other structure.

Refusal to remove.

No person, firm or corporation engaged in moving any house, building, derrick or other structure shall raise, cut, or in any way interfere with any such poles or wires, unless the persons or authorities owning or having control of the same shall refuse so to do after having been notified, as required by Section Two; then, only competent and experienced workmen or linemen shall be employed in such work, and in such case the necessary and reasonable expense shall be paid by the owners of the poles and wires handled, and the work shall be done in a careful and workmanlike manner, and the said poles and wires shall be promptly replaced and the damages thereto promptly repaired.

HeinOnline -- 1929 89 1929

Interference with lines.

Section 4. **Interference with Lines.** It shall be unlawful for any person, firm or corporation engaged as principal or employer in moving any house, building, derrick or other structure, as provided in the above sections, to move, touch, cut, molest or in any way interfere with any electric light or electric power wires, or any poles bearing any such wires, except in compliance with the provisions of this Act.

Approved March 1, 1929.

CHAPTER 56.

An Act to Amend Section 3384 of the Revised Codes of Montana of 1921 Relating to the Creation of Herd Districts, Their Size, Location, Boundaries, Population and Procedure for the Establishment Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3384 of the Revised Codes of Montana of 1921, be, and the same is hereby amended so as to read as follows:

Herd districts.

Size and location.

Petition.

Term.

Section 3384. **Herd Districts—Size, Location and Proceedings for Creation of.** Herd districts may be created in any County in the State of Montana to contain fifty-four square miles or more, lying not less than three miles in width, outside of the incorporated Cities; excepting only that herd districts may be created containing not less than six nor more than fifty-four square miles, lying not less than two miles in width, when such territory joins and is contiguous with the boundaries of a City having a population of ten thousand or more and such territory so to be created in a herd district has a suburban population of not less than two hundred people; upon petition of owners or possessors of fifty-five per centum (55%) of the land in such district, and providing twenty-five per centum (25%) or more of the land in such district is in actual cultivation, and such petition shall designate the months of the year when herd district is effective, and upon presentation and filing of such petition, properly signed, giving outside boundaries and description of proposed district and the post office address of the signers thereto, with the Clerk and Recorder in the County in which the said district is being created, the County Com-

HeinOnline -- 1929 90 1929

missioners of such County, upon receipt thereof, shall set a date for hearing protests and verifying the signatures thereto, and shall give not less than twenty days' notice of the same by three publications in a newspaper of general circulation in the County of the proposed district, and should it appear to such County Commissioners after such hearing that the signatures attached to such petition were genuine, they shall immediately declare such herd district created and established; after which the County Commissioners must give notice by four weekly publications in some newspaper nearest the district of the creation of such districts, also stating period such districts will be in effect, and such districts shall not be in effect until thirty days have expired after the order; provided, that such herd districts may be abolished at any time upon proceedings as hereinbefore set forth for the establishment of such herd districts.

Hearing.

Publication.

Upon petition of any owner or possessor of lands lying contiguous and adjoining any herd district theretofore created, and upon like hearing and notice as hereinabove provided for, such lands shall be included in said herd district and become a part thereof.

Adjoining lands.

Should the signature of lessee appear on the petition creating or abolishing any herd district, the owner or owners of said land may appear either in person or agent and enter their protest. And the Board of County Commissioners shall remove the name of the lessee from said petition, and no person shall be permitted to withdraw his name after the hour set for hearing same.

Owners rights.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 2, 1929.

HeinOnline -- 1929 91 1929

CHAPTER 57.

An Act to Amend Section 1, Chapter 89 of the Session Laws of the 19th Legislative Assembly of the State of Montana, Relating to Irrigation Districts, Authorizing and Empowering Irrigation Districts and Commissioners Thereof to Purchase Lands Sold for Delinquent Taxes When Either Taxes or Assessments on Such Irrigation Districts Form All or a Part of the Taxes for Which Such Lands are Sold, to Lease, Operate, Sell and Dispose of the Same When Acquired, Providing for the Disposition of the Funds Realized Therefrom and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 89, of the Session Laws, 1925, be, and the same is hereby amended to read as follows:

Section 1. At all sales of all lands for delinquent taxes where all, or a portion, of such delinquent taxes are taxes and assessments levied and assessed by any irrigation district against the lands to be sold, the Commissioners of such irrigation district, if there be no other bidder for such land at such tax sale, may bid therefor the total amount of all delinquent taxes and assessments, penalty and interest against such land, and thereupon the County Treasurere shall strike off said lands to such irrigation district and issue certificate of tax sale to said irrigation district the same as such certificates of tax sales are issued to other purchasers. For the purpose of paying such taxes, assessments, interest and penalties, the Commissioners of such irrigation district shall have the power and authority to create by resolution a fund to be known and designated as the Revolving Fund for the Purchase of Tax Certificates and Titles, and to provide funds for such Revolving Fund by levy, bond issue or otherwise, and the district may pay such taxes, assessments, interest and penalties by issuing a warrant to the County Treasurer against such Fund, provided that there shall be sufficient money in such Fund to pay same in full upon demand.

Commissioners of irrigation districts may bid in.

Revolving fund.

When taxes are paid by the district as in this Act provided, the County Treasurer shall distribute that portion

HeinOnline -- 1929 92 1929

of said tax belonging to the irrigation district, to the several funds as designated in the tax levy and assessment; provided, however, if the Board of Commissioners of the irrigation district shall file with the County Treasurer a certified copy of resolution passed by such Commissioners requesting non-distribution by the County Treasurer of the portion of the tax belonging to the district, the County Treasurer shall not distribute that portion of said tax belonging to the irrigation district to the several funds as designated in the tax levy and assessment but the total amount due the irrigation district shall be credited by him to the Revolving Fund above specified and in such event at the time of the sale by the district of the tax sale certificate or of the property obtained through such certificate such funds as are realized from such sale must be deposited with the County Treasurer together with the rentals received from the property and he shall credit the proceeds of such redemption sale or rental pro rata to the several funds of the district in accordance with the original levy or assessment. At the time of redemption or of the sale by the district of the tax sale certificate or of the property obtained through such certificate, such funds as are realized must be deposited with the County Treasurer together with rentals received from the property, and he shall credit the proceeds of such redemption, sale or rentals to the Revolving Fund above specified, to such extent as may be required, with the credit provided for above, to reimburse said Revolving Fund in full, if the sum realized permit, the overplus, if any, to be credited to the several funds of the district in accordance with the original levy and assessment. No expenditures shall be made from the Revolving Fund except for the purpose as herein specified, and when, by resolution of the Board of Irrigation District Commissioners, such Fund shall be deemed inactive, the balance remaining in said Fund shall be transferred to a sinking fund to be applied upon any indebtedness which may have been incurred by the district by reason of the creation of such Revolving Fund, if any there may be.

Distribution of tax to the district.

Resolution not to distribute.

When credited to revolving fund.

Expenditures.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 2, 1929.

HeinOnline -- 1929 93 1929

CHAPTER 58.

An Act to Amend Section 93, Chapter 60 of the Laws of the Twentieth Legislative Assembly Relating to Irrigation Districts and the Inclusion of State Lands Therein.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 93 of Chapter 60 of the Laws of the Twentieth Legislative Assembly, be, and the same is hereby amended to read as follows:

Section 93. **Purchaser of State Lands May Sign Petitions Relating to Irrigation Districts. Interest Purchaser Subject to Lien. Board May Sign.** A purchaser of state lands is hereby authorized and empowered to sign any petition that he may desire to sign for the creation of an irrigation district and the inclusion of the land purchased from the State in such irrigation district and any other petition relating to irrigation districts affecting the land so purchased by him from the State. Such petition or petitions shall have the effect of making all the interest that he then has in such land purchased from the State and all interest which he may subsequently acquire therein subject to the same liens and charges as privately owned lands under such irrigation district; and if for any reason his certificate to such state lands and his rights thereunder should be cancelled and later such certificate be reinstated or a new certificate issued, such liens and charges shall stand against the interest in such lands of the holder of such certificate.

Purchaser of state lands may sign.

Lien on his interest.

New certificate lien.

The Board for and on behalf of the State of Montana is hereby empowered to sign a petition for the inclusion of any lands belonging to the State in an irrigation district organized or to be organized for the purpose of cooperating with the United States under the Federal Reclamation Laws or any Act of Congress relating to Reclamation projects, and to sign any petition for the execution of a contract between such district and the United States; provided however, that the interest of the State in any lands within an irrigation district shall not be subject to assessment or taxation for any purpose whatever, nor shall the State be liable for the payment of any costs or charges whatever arising from the fact that its lands are included within an irrigation district.

Board may sign.

Liability of state.

HeinOnline -- 1929 94 1929

The interest of a purchaser of state lands in the land purchased shall be subject to the same liens as other real estate; provided, however, that in the case of sale, only the interest of the purchaser or of the assignee shall be sold. In the case of any sale under the provisons of this Section, including the sale for taxes, the purchaser shall succeed to all the rights of the purchaser from the State under the certificate of purchase and a new certificate of purchase shall be issued to the person entitled thereto, upon satisfactory proof being submitted to the Board; provided, however, that in the case of sale under execution or decree of Court such new certificate of purchase shall not be issued by the Board until the period of redemption from such sale has expired and the Sheriff's deed has been issued. In the case of sale for taxes, the new certificate shall not be issued until the tax deed has been issued.

In case of sale.

When sold under execution.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 2, 1929.

CHAPTER 59.

An Act to Amend Section 1622 of the Revised Codes of Montana of 1921 as Amended by Chapter 128 of the Laws of the Nineteenth Legislative Assembly Relative to the Powers and Duties of County Commissioners Respecting Highways.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1622 of the Revised Codes of Montana of 1921, as amended by Chapter 128 of the Laws of the Nineteenth Legislative Assembly, be. and the same is hereby amended to read as follows:

Powers and duties of County Commissioners.

Section 1622. **Powers and Duties of County Commissioners Respecting Highways.** The Board of County Commissioners of the several counties of the State have general supervision over the highways within their respective counties.

Road districts.

1. They may, in their discretion, keep the County divided into suitable road districts, place each of such road districts in charge of a competent road supervisor,

HeinOnline -- 1929 95 1929

and order and direct each of such supervisors concerning the work to be done upon the public highway in his district.

Plat books.

2. They may, in their discretion, provide and order the County Surveyor, or if the County Surveyor is incompetent, some other competent surveyor designated by the Board, to prepare suitable plat books and have recorded therein with the County Clerk a full description of every public highway within the County, showing each course by bearing and distance, with a full and complete map thereof, together with a record of all other proceedings with reference to the same.

Necessity.

3. They must cause to be surveyed, viewed, laid out, recorded, opened, worked, and maintained such highways as are necessary for public convenience as in this Act provided, and cause to be erected and maintained thereon guide-posts, as provided in this Act.

Guide posts.

Abandoned highways.

4. They must abolish or abandon in the manner provided in this Act such public highways as are not necessary for the public convenience.

Rights of way.

5. They must contract, agree for, purchase, or otherwise lawfully acquire the right of way over private property for the use of public highways, and for that purpose institute, when necessary, proceeding under Section 9933 to 9958 of the Code of Civil Procedure, paying for such right of way from the general road fund of the County; provided, however, where roads or trails are or will be dedicated to public use as a highway they may construct and maintain thereon substantially constructed cattle guards, appurtenances, and gates adjacent thereto.

Bonds.

6. They may, in their discretion, but subject to the limitation and provisions in the Constitution and Codes provided, issue bonds upon the faith and credit of the County for the construction or improvements of main highways, State highways, and bridges.

Contracts.

7. They may, in their discretion, but subject to the limitation and restriction provided in the Codes for the letting of public contracts, let out by contract the construction, maintenance, and improvement of the public highways, and the construction, maintenance, or repairs of bridges when the amount of work to be done exceeds the sum of One Thousand Dollars ($1000.00).

HeinOnline -- 1929 96 1929

8. They may, in their discretion, cause to be done whatever may be necessary for the best interests of the roads and road districts of their several counties. Discretion.

9. They may limit or forbid, temporarily, any traffic or class of traffic, on the public highways or any part thereof, when in their discretion it is necessary that traffic be so restricted in order to preserve or repair such highways. Traffic.

10. They must make such reports, relating to the State roads under their supervision, to the State Highway Commission as may be requested by said Commission. Reports.

11. They may, in their discretion, employ a competent road builder, who shall, in counties of the first class, be the County Surveyor, and who shall be paid for his services not to exceed Eight Dollars ($8.00) per day and his actual expenses, who shall serve during the pleasure of the Board, whose duty it shall be, under the direction and control of said Board, to prescribe the time and place, when and where, all work shall be done on the roads of the County; report any delinquency or inefficiency of any road overseer, or any other person employed upon such road, to the Board of County Commissioners, and perform such other duties as may be prescribed by the said Board. Provided, however, that nothing in this Act shall be construed to alter or repeal the provisions of Chapter 102, Laws of the Twentieth Legislative Assembly of the State of Montana, 1927, nor the provisions of the Act or Acts of the Twenty-first Legislative Assembly amendatory of said Chapter 102 of the laws of the Twenty-first Legislative Assembly of the State of Montana. Road builder. Salary. Reports.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1929.

HeinOnline -- 1929 97 1929

CHAPTER 60.

An Act Providing that the Interest Paid by State Depositories as Required by Law on Funds Held by the State Treasurer to the Credit of the Veterans' Memorial Fund Shall be Credited to Such Fund, and Empowering the State Board of Land Commissioners to Safely Invest Such Funds.

Be it enacted by the Legislative Assembly of the State of Montana:

Veteran's memorial fund.

Section 1. That from and after the first day of March, 1929, the interest on daily balances of all moneys which are deposited by the State Treasurer as required by law belonging to the Veterans' Memorial Fund shall be credited to and belong exclusively to such Fund.

Investment of funds.

Section 2. The State Board of Land Commissioners is hereby authorized and empowered to securely invest the money now in the State Treasury or which may hereafter accumulate therein to the credit of the Veterans' Memorial Fund, in bonds of the United States, State Bonds, County Bonds, or School District Bonds, the principal and interest of which investments shall be treated and considered as belonging exclusively to the Veterans' Memorial Fund, to be used for the purposes in contemplation provided for by Chapter 103 of the Laws of 1927, approved March 9, 1927.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1929.

HeinOnline -- 1929 98 1929

CHAPTER 61.

An Act Concerning the Guardianship of Incompetent Veterans and of Minor Children of Disabled or Deceased Veterans, and the Commitment of Veterans and to Make Uniform the Law With Reference Thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. As used in this Act:

The term Person includes a partnership, corporation or association.

The term Bureau means the United States Veterans' Bureau or its successor.

The terms Estate and Income shall include only moneys received by the guardian from the Bureau and all earnings, interest and profits derived therefrom. Definitions.

The term Benefits shall mean all moneys payable by the United States through the Bureau.

The term Director means the Director of the United States Veterans' Bureau or his successor.

The term Ward means a beneficiary of the Bureau.

The term Guardian as used herein shall mean any person acting as a fiduciary for a ward.

Section 2. Whenever, pursuant to any law of the United States or regulation of the Bureau, the Director requires, prior to payment of benefits, that a guardian be appointed for a ward, such appointment shall be made in the manner hereinafter provided. Guardian.

Section 3. Except as hereinafter provided it shall be unlawful for any person to accept appointment as guardian of any ward if such proposed guardian shall at that time be acting as guardian for five (5) wards. In any case, upon presentation of a petition by an attorney of the Bureau under this Section alleging that a guardian is acting in a fiduciary capacity for more than five (5) wards and requesting his discharge for that reason, the court, upon proof substantiating the petition, shall require a final accounting from such guardian and shall discharge such guardian in said case. Limit of Number. How discharged.

The limitations of this Section shall not apply where the guardian is a Bank or Trust Company acting for the wards' estates only. An individual may be guardian of Exceptions.

HeinOnline -- 1929 99 1929

more than five (5) wards if they are all members of the same family.

Petition.

Section 4. A petition for the appointment of a guardian may be filed in any court of competent jurisdiction by or on behalf of any person who under existing law is entitled to priority of appointment. If there be no person so entitled or if the person so entitled shall neglect or refuse to file such petition within thirty (30) days after mailing of notice by the Bureau to the last known address of such person indicating the necessity for the same a petition for such appointment may be filed in any court of competent jurisdiction by or on behalf of any responsible person residing in this State.

Contents.

The petition for appointment shall set forth the name, age, place of residence of the ward, the names and places of residence of the nearest relative, if known, and the fact that such ward is entitled to receive moneys payable by or through the Bureau and shall set forth the amount of moneys then due and the amount of probable future payments.

The petition shall also set forth the name and address of the person or institution, if any, having actual custody of the ward.

Incompetent.

In the case of a mentally incompetent ward the petition shall show that such ward has been rated incompetent on examination by the Bureau in accordance with the laws and regulations governing the Bureau.

Minor.

Section 5. Where a petition is filed for the appointment of a guardian of a minor ward a certificate of the Director, or his representative, setting forth the age of such minor as shown by the records of the Bureau and the fact that the appointment of a guardian is a condition precedent to the payment of any moneys due the minor by the Bureau, shall be prima facie evidence of the necessity for such appointment.

Mentally incompetent.

Section 6. Where a petition is filed for the appointment of a guardian of a mentally incompetent ward a certificate of the Director, or his representative, setting forth the fact that such person has been rated incompetent by the Bureau on examination in accordance with the laws and regulations governing such Bureau; and that the appointment of a guardian is a condition precedent to the payment of any moneys due such person by

HeinOnline -- 1929 100 1929

the Bureau, shall be prima facie evidence of the necessity for such appointment.

Notice.

Section 7. Upon the filing of a petition for the appointment of a guardian, under the provisions of this Act, the court shall cause such notice to be given as provided by law.

Qualifications of guardians.

Section 8. Before making an appointment under the provisions of this Act the court shall be satisfied that the guardian whose appointment is sought is a fit and proper person to be appointed. Upon the appointment being made the guardian shall execute and file a bond to be approved by the court in an amount not less than the sum then due and estimated to become payable during the ensuing year. The said bond shall be in the form and be conditioned as required of guardians appointed under the guardianship laws of this State. The court shall have power from time to time to require the guardian to file an additional bond. Where a bond is tendered by a guardian with personal sureties, such sureties shall file with the court a certificate under oath which shall describe the property owned, both real and personal, and that they are each worth the sum named in the bond as the penalty thereof over and above all their debts and liabilities and exclusive of property exempt from execution.

Bonds.

Accounts.

Section 9. Every guardian, who shall receive on account of his ward any moneys from the Bureau, shall file with the court annually, on the anniversary date of the appointment, in addition to such other accounts as may be required by the court, a full, true, and accurate account under oath of all moneys so received by him, of all disbursements thereof, and showing the balance thereof in his hands at the date of such account and how invested. A certified copy of each of such accounts filed with the court shall be sent by the guardian to the office of the Bureau having jurisdiction over the area in which such court is located. The court shall fix a time and place for the hearing on such account not less than fifteen (15) days nor more than thirty (30) days from the date of filing same and notice thereof shall be given by the court to the aforesaid bureau office not less than Fifteen (15) days prior to the date fixed for the hearing. Notice of such hearing shall in like manner be given to the guardian.

Hearings.

HeinOnline -- 1929 101 1929

Failure to account.

Section 10. If any guardian shall fail to file any account of the moneys received by him from the Bureau on account of his ward within thirty (30) days after such account is required by either the court or the Bureau, or shall fail to furnish the Bureau a copy of his accounts as required by this Act, such failure shall be grounds for removal.

Compensation.

Section 11. Compensation payable to guardians shall not exceed five per cent (5%) of the income of the ward during any year. In the event of extraordinary services rendered by such guardian the court may, upon petition and after hearing thereon, authorize additional compensation therefor payable from the estate of the ward. Notice of such petition and hearing shall be given the proper office of the Bureau in the manner provided in Section 9. No compensation shall be allowed on the corpus of an estate received from a preceding guardian. The guardian may be allowed from the estate of his ward reasonable premiums paid by him to any corporate surety upon his bond.

Investments.

Section 12. Every guardian shall invest the funds of the estate in such manner or in such securities, in which the guardian has no interest, as allowed by law or approved by the court.

Support of whom.

Section 13. A guardian shall not apply any portion of the estate of his ward for the support and maintenance of any person other than his ward, except upon order of the court after a hearing, notice of which has been given the proper office of the Bureau in the manner provided in Section 9.

Certified copies of records without charge.

Section 14. Whenever a copy of any public record is required by the Bureau to be used in determining the eligibility of any person to participate in benefits made available by such Bureau, the official charged with the custody of such public record shall without charge provide the applicant for such benefits or any person acting on his behalf or the representative of such Bureau with a certified copy of such record.

Commitment to Veteran's Hospital.

Section 15. Whenever it appears that a veteran of any war, military occupation or expedition is eligible for treatment in a United States Veterans' Bureau Hospital and commitment to such hospital is necessary for the proper care and treatment of such veteran, the courts of

HeinOnline -- 1929 102 1929

this State are hereby authorized to communicate with the official in charge of such hospital with reference to available facilities and eligibility, and upon receipt of a certificate from the official in charge of such hospital the court may then direct such veteran's commitment to such United States Veterans' Bureau Hospital. Thereafter such veteran upon admission shall be subject to the rules and regulations of such hospital and the officials of such hospital shall be vested with the same powers now exercised by superintendents of state hospitals for mental diseases within this State with reference to the retention of custody of the veteran so committed. Notice of such pending proceedings shall be furnished the person to be committed and his right to appear and defend shall not be denied.

When discharged.

Section 16. When a minor ward for whom a guardian has been appointed under the provisions of this Act or other laws of this State shall have attained his or her majority, and if incompetent shall be declared competent by the Bureau and the court, and when any incompetent ward, not a minor, shall be declared competent by said Bureau and the court, the guardian shall upon making a satisfactory accounting be discharged upon a petition filed for that purpose.

Application.

Section 17. This Act shall be construed liberally to secure the beneficial intents and purposes thereof, and shall apply only to beneficiaries of the Bureau.

Name.

Section 18. This Act may be cited as the Uniform Veterans' Guardianship Act.

Effect.

Section 19. This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Section 20. The invalidity of any portion of this Act shall not affect the validity of any other portion thereof which can be given effect without such invalid part.

Section 21. All Laws or parts of Laws relating to guardianship of minors and incompetents and to commitment of insane persons are modified and amended to effectuate this Act.

Section 22. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1929.

HeinOnline -- 1929 103 1929

CHAPTER 62.

An Act to Amend Section 20 of Chapter 57 of the Laws of the Twentieth Legislative Assembly, Relating to the Assessment and Taxation of Building and Loan Associations and the Amount Standing to the Credit of Each Member Thereof, and Providing for the Furnishing of Certain Information to County Officials By Building and Loan Association Officials.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 20 of Chapter 57 of the Laws of the Twentieth Legislative Assembly be, and the same is hereby amended to read as follows:

What property taxable.

Section 20. Every association shall be assessed for and pay taxes upon all real and personal property owned by such association, and also upon the moneyed capital employed in such business, such moneyed capital to be ascertained by deducting from the amount of bonds, notes and other evidences of indebtedness, including evidences of indebtedness secured by mortgage on real estate or personal property, of such associations, the amount standing to the credit of the members of any such association, upon its books, and any indebtedness representing money borrowed for use as moneyed capital. Said moneyed capital as so ascertained shall be taxed at the same rate and take the same classification as shares of stock in a National Bank or moneyed capital coming into substantial competition therewith. The secretary of every such association shall furnish to the Assessor of the County in which the principal office of such association is located, within five (5) days after demand therefor, a condensed statement verified by his oath, of the resources and liabilities of such association as disclosed by its books, at twelve o'clock noon on the first Monday of March in each year; if such secretary shall fail to make the statement hereby required, the Assessor shall forthwith obtain such information from any other available source, and for this purpose he shall have access to the books of such association. The Assessor shall thereupon make an assessment of the real estate and personal property owned by such association, and of the moneyed capital employed in the business of such association, which assessment shall be as fair and equitable as he may be able to make from the best information available,

Certified statement to Assessor.

Duties of assessor.

HeinOnline -- 1929 104 1929

or said Assessor may, for the purpose of said assessment, adopt the figures disclosed by any prior report made by such association to any State or Federal officer pursuant to any State or Federal Law. Any person required by this Section to make the statement hereinabove provided, who shall fail to furnish the same, shall be guilty of a misdemeanor and shall be punished accordingly.

The amount standing to the credit of each member of any such association, upon its books, shall be considered and held as the individual credit of each member, and each member shall list the shares held by him for taxation, at their real value in money, in the County of his residence, the same as other credits are listed, except shares from which loans have been made, or money advanced, by the association, and as to such shares they shall be listed for taxation at the net cash value of the stock, to be ascertained by deducting the loan from the cash value of the shares. Associations organized under or controlled by this Act shall be subject to taxation in no other way.

List of each member.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1929.

CHAPTER 63.

An Act for the Assessment and Taxation of the Property of Insurance Companies Required by Law to Have and Maintain a Legal Reserve for the Protection of Policyholders.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All property other than credits of insurance companies required by law to have and maintain a legal reserve for the protection of policyholders shall be assessed, classified and taxed as other property of like character. Credits, including evidence of indebtedness secured by mortgages, less legal reserves for the protection of policyholders and other indebtedness shall be

Credits of insurance companies, how taxed.

HeinOnline -- 1929 105 1929

classified and taxed on the basis of Thirty per centum (30%) of full cash value as thus ascertained.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1929.

CHAPTER 64.

An Act Defining Moneys and Credits, and Moneyed Capital, for the Purpose of Taxation and Providing the Classification and Basis Upon Which Taxes Shall be Imposed Thereon and Also Upon the Shares of National Banks and State Banking Corporations; and Providing the Method of Assessing Credits, Moneyed Capital and Such Shares.

Be it enacted by the Legislative Assembly of the State of Montana:

Purpose of definitions.

Section 1. That moneys and credits are hereby defined for the purpose of taxation as all moneys not constituting moneyed capital as hereinafter defined, and all credits secured and unsecured, including all state, county, school district and other municipal bonds, warrants and securities, without any deduction or offset; provided, however, that credits, as herein defined, shall not embrace credits constituting moneyed capital as hereinafter defined or evidence of debt secured by mortgage of record upon real or personal property in the State of Montana.

Moneyed capital defined.

Section 2. Moneyed capital is hereby defined as moneys, bonds, notes and other evidence of indebtedness, including evidences of indebtedness secured by mortgage on real or personal property in the hands of individual citizens and corporations coming in competition with the business of national banks or employed in conducting a banking or investment business; provided, however, that bonds, notes and other evidence of indebtedness in the hands of individuals and corporations not employed or engaged in the banking or investment business and representing merely personal investments not made in competi-

HeinOnline -- 1929 106 1929

tion with such business shall not be deemed moneyed capital.

Deductions.

Section 3. In assessing and ascertaining the value of moneyed capital for taxation, there shall be deducted from the amount of bonds, notes, and other evidence of indebtedness the amount of any deposits and any indebtedness representing money borrowed for use as moneyed capital.

Shares of national banks.

Section 4. In ascertaining the value of the shares of a national bank for the purpose of taxation there shall be deducted the value of all real estate of said bank, which shall be assessed to said bank.

Shares of state banks.

Section 5. The shares of all state banking corporations engaged in the banking business in Montana shall be valued and assessed for the purpose of taxation at the full cash value thereof, less the value of the real estate, moneyed capital and other property of any such bank assessed and taxed as the property of said bank.

Basis for tax.

Section 6. As a basis for the imposition of taxes upon the different classes of property herein specified, a percentage of the true and full value of each class shall be taken as follows:

Moneys and credits, seven per centum (7%) of true and full value.

Moneyed capital and shares of banks, both national and state, thirty per centum (30%) of true and full value.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 8. This Act shall be in full force and effect immediately upon its passage and approval.

Approved March 2, 1929.

HeinOnline -- 1929 107 1929

CHAPTER 65.

An Act to Amend Section 970 Revised Codes of Montana, 1921, Relating to the Abandonment of School Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 970 Revised Codes of Montana 1921, be and the same is hereby amended so as to read as follows:

Abandonment of school districts.

Section 970. **Abandonment of School Districts.** He shall attach to contiguous districts territory not a part of any district, and he shall have power to declare school districts abandoned when no school has been actually held within such districts for two consecutive years, if in his judgment there is no immediate prospect of the need of a school, and he must declare school districts abandoned when no school has been actually held within such districts for three consecutive years. The abandoned territory shall be attached to a contiguous district or districts.

Funds of abandoned districts.

All funds of an abandoned district, after all the debts of the district have been paid, shall be placed in the general fund of the district or districts to which its territory is attached on order of the county superintendent. If the territory of an abandoned district is divided and a part attached to two or more districts, the funds of the abandoned district, after all its debts have been paid, shall be apportioned by the county superintendent between the districts to which such territory is attached in proportion to the assessed value of the property attached to each thereof.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect on and after its passage and approval.

Approved February 27, 1929.

HeinOnline -- 1929 108 1929

CHAPTER 66.

An Act to Amend Section 11466 of the Revised Codes of Montana, of 1921, Relating to Malicious Injury to Railroads, Highways and other Property, Being Chapter 51—Defining Certain Injuries to Telephone, Telegraph and Electric Light Lines and Providing for a Penalty for the Malicious Interference Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 11466 of the Revised Codes of Montana, of 1921, be and the same is hereby amended to read as follows:

Section 11466. Any person who wilfully and maliciously displaces, removes, injures, destroys or obstructs any telegraph, telephone or electric light line, wire, cable, pole or conduit belonging to another, or the material or property appurtenant thereto, or maliciously and wilfully cuts, breaks, taps, or makes any connection with any telegraph or telephone line, wire, cable, or instrument belonging to another, or maliciously and wilfully reads, takes or copies any messages, communication or report intended for another passing over any such telegraph or telephone line, wire, or cable, in this State, or who wilfully and maliciously prevents, obstructs or delays by any means or contrivance whatsoever the sending, transmission, conveyance or delivery in this State of any message, communication or report by or through any telegraph or telephone line, wire or cable or who uses any apparatus to unlawfully do or cause to be done any of the acts hereinbefore mentioned, or who aids, agrees with, employs or conspires with any person or persons to unlawfully do, or permit or cause to be done, any of the Acts hereinbefore mentioned, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than Three Hundred Dollars ($300.00) nor more than One Thousand Dollars ($1,000.00) or imprisonment in the county jail not exceeding one year, or both, in the discretion of the court. And it shall be unlawful for any person who, for non-payment of dues, tolls, or other good and sufficient reasons, has been disconnected from service with any telephone, telegraph or electric light or power system in this state to connect or allow himself to be connected with any such company lines without direct and express permission from such

Tampering with systems.

Penalty.

Connections without permission.

HeinOnline -- 1929 109 1929

official authorized to permit such reconnection. Any person or persons who shall violate or cause to be violated this provision shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than $50.00 nor more than $100.00 or imprisonment in the county jail for ten days, or both, in the discretion of the court.

Penalty.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1929.

CHAPTER 67.

An Act to Amend Section 651 of the Revised Codes of Montana of 1921 as Amended by Chapter 133 of the Laws of the 18th Legislative Assembly of the State of Montana, and as Further Amended by Chapter 14 of the Laws of the 20th Legislative Assembly of the State of Montana, Relating to the Arrangement, Printing and Voting of Ballots at Primary Elections.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 651 of the Revised Codes of Montana of 1921, as amended by Chapter 133 of the Laws of the Eighteenth Legislative Assembly, and as further amended by Chapter 14 of the Laws of the Twentieth Legislative Assembly, be, and the same is hereby amended to read as follows:

Section 651. **Ballots, How Arranged; Printed and Voted.** At all primary elections there shall be a ballot made up of the several party tickets herein provided for, each of which shall be printed on a separate sheet of white paper, and all of which shall be the same size, and shall be securely fastened together at the top and folded, provided that there shall be as many separate tickets as there are parties entitled to participate in said primary election.

Ballots.

The names of all candidates shall be arranged alphabetically according to surnames, under the appropriate

HeinOnline -- 1929 110 1929

title of the respective officers, and under the proper party designation upon the party ticket, except as hereinafter provided. When two or more persons are candidates for nomination for the same office, it shall be the duty of the County Clerk in each of the Counties of the State to divide the ballot forms provided by the law for the county, into sets so as to provide a substantial rotation of the names of the respective candidates as follows:

How arranged.

He shall divide the whole number of ballot forms for the county into sets equal in number to the greatest number of candidates for the nomination or election to any office, and he shall so arrange said sets that the names of the candidates shall, beginning with a form arranged in alphabetical order as provided herein, be rotated by removing one name from the top of the list for each nomination or office and placing said name or number at the bottom of the list for each successive set of ballot forms; provided, however, that no more than one of said sets shall be used in printing the ballots for use in any one precinct, and that all ballots furnished for use in any precinct shall be of one form and identical in every respect. If any elector write upon his ticket the name of any person who is a candidate for the same office upon some other ticket then that upon which his name is so written this ballot shall be counted for such person only as a candidate of the party upon whose ticket his name is written, and in no case shall be counted for such person as a candidate upon any other ticket. In case any person is nominated as provided in this Act, upon more than one ticket, he shall within ten (10) days after such election file with the Secretary of State, County Clerk or City Clerk, a written document indicating the party designation under which his name is to be printed on the official ballot for the General Election, failing in which, his name shall be printed upon the party ticket for which his nominating petition shall have been first filed, and no candidate shall have his name printed on more than one ticket; provided, however, that in the event a candidate whose name has been printed upon the party ticket for which his nominating petition shall have been first filed shall fail of nomination upon the ticket upon which his name is so printed, his name shall not be printed upon any ballot under any party designation; and provided further that nothing in this Act shall preclude any elector from having his name printed upon the ballot as an Independent Candidate. The ballots with the endorse-

Sets.

Rotation.

Names written in.

Designation of ticket.

Failure of Nomination.

Independent candidate.

HeinOnline -- 1929 111 1929

ments shall be printed on white paper in substantially the forms of the Australian Ballot, used in General Elections, except that the candidates of each party shall be printed on a separate ticket or sheet. After preparing his ballot the elector shall detach the same from the remaining tickets and fold it so that its face will be concealed and with official stamp thereon seen. The remaining tickets attached together shall be folded in like manner by the elector who shall thereupon, without leaving the polling place, vote the marked ballot forthwith, and deposit the remaining tickets in the separate ballot box to be marked and designated as the blank ballot box. Immediately after the canvass, the Judges of Election shall, without examination, destroy the tickets deposited in the blank ballot box.

Manner of voting.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 5, 1929.

CHAPTER 68.

An Act Authorizing the City or Town Council to Acquire Lands by Gift, Purchase or Condemnation, Either Within or Without the Corporate Limits of the Municipality, for Athletic Fields and Civic Stadiums and Conferring Municipal Jurisdiction over the Same and to Set Aside or Designate Portions or Tracts of Land Owned by any Municipality for Athletic Fields and Civic Stadiums and to Construct, Maintain and Regulate Athletic Fields and Civic Stadiums Thereon.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every city or town council shall have power to acquire by gift, purchase or condemnation, lands for athletic fields and civic stadiums within or without the corporate limits of the municipality, to establish and regulate such fields and civic stadiums, to exercise municipal jurisdiction over the lands so acquired where such lands, or any portion thereof, are without corporate limits of the municipality to the same extent as though they were within said corporate limits and the city or town councils are authorized to set aside or designate

Athletic fields and civic stadiums.

HeinOnline -- 1929 112 1929

portions or tracts of land now owned by any municipality for the purpose of providing athletic fields and civic stadiums and also to construct, maintain and regulate athletic and civic stadiums thereon.

Section 2. Owing to an emergency that exists this Act shall be in full force and effect immediately upon its passage and approval.

Approved March 5, 1929.

CHAPTER 69.

An Act Regulating the Slaughtering of Neat Cattle and the Selling of the Meat and the By-products thereof; Defining and Providing for the Licensing of Butchers and Meat Peddlers; for the Inspection and Tagging and Stamping of Hides and Meat, for the Issuance and Recording of Certificates of Inspection, Fees for such Inspection and Penalties for Violation of this Act, and Repealing Chapter 121 of the Twentieth Legislative Assembly of Montana, and all Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every person, firm, corporation or association who slaughters or causes to be slaughtered neat cattle for the purpose of selling or distributing any of the meat or by-products of such cattle in this State, and who maintains slaughter houses or meat markets for this purpose, and who comply with the rules and regulations of the Montana Livestock Sanitary Board and the State Board of Health, and with the city or town health ordinances where said business is operated, or any other ordinance pertaining to meat dealers, shall, for the purpose of this Act, be designated a "butcher." Every other person, firm, corporation or association, who slaughters or causes to be slaughtered any neat cattle or who buys and sells any dressed beef or veal, and who does not maintain a licensed slaughter house or market, shall, for the purpose of this Act, be designated a "meat peddler."

Definition of butcher.

Section 2. Every butcher, shall, before engaging in or conducting any business as such, in any county, pay to the county treasurer of such county a license of five ($5.00) dollars, which license shall continue in force and

Licenses.

HeinOnline -- 1929 113 1929

effect for the balance of the calendar year in which it was issued, and which shall be deemed null and void after January 1st of the succeeding year, and every meat peddler shall, before commencing or doing any business or performing any acts in any county as such meat peddler, pay to the county treasurer of such county, a license of one hundred ($100.00) dollars, which shall continue in force and effect for the balance of the calendar year in which it is issued, and which shall be deemed null and void after January 1st of the succeeding year. It shall be the duty of every meat peddler to have his license with him at all times when transacting business, and it shall be the duty of every butcher to display his license in a conspicuous place in his market. Failure to have such license shall be deemed a misdemeanor. The county treasurers of the state are hereby authorized and required, upon the payment of any such licenses, to issue a proper certificate of such payment. The moneys collected from such licenses shall be placed in the general fund of the county wherein collected. This Section shall not apply to the slaughter or sale of meat by any person, firm, corporation or association who may slaughter or cause to be slaughtered any neat cattle of his or its own raising.

Display.

General fund.

Section 3. All butchers and meat peddlers and all other persons shall have the hide in its entirety with tail attached of each beef or veal inspected in the county where the animal was slaughtered by a livestock inspector, or deputy, or by a sheriff or his deputy, or by any person designated by the board of county commissioners other than a butcher, meat peddler, or employee or any butcher or meat peddler, who shall mark said hide or hides by a hole at least one inch square near the lower extremity of the left hind leg, before the beef or veal is peddled, sold, or offered for sale, by said butcher or peddler, or any other person, and upon demand must produce such hide or inspection certificate as hereinafter provided. To the hole in the hide specified herein shall be attached a metal tag bearing the name of the county, the inspector's number and the serial number to apply to the hide, the form of such metal tag shall be specified by the Livestock Commission. Each of the four quarters so presented shall be stamped with an ink stamp, which stamp shall be provided by the county and the form of which shall be specified by the Livestock Commission.

Hides inspection.

Markings.

HeinOnline -- 1929 114 1929

Said inspector, sheriff or authorized inspector shall keep a record and issue a certificate of inspection, on a form provided by the county, which form shall be specified by the Livestock Commission, giving the butcher's or peddler's or person's name, the place of business, the serial number on the metal tag attached to the hide, the brand or brands on the hide, the date of inspection, and the place where such inspection was made. The officer making such inspection shall forward a copy of all inspection certificates to the Secretary of the Livestock Commission at Helena, and to the county clerk of the county in which said inspection was made, on or before the first day of each month, and such inspection certificates shall be placed on file in the offices aforementioned.

Records.

When ownership of the carcass and hide presented is claimed on a bill of sale, the officer making the inspection shall demand and receive the original bill of sale, which bill of sale shall be attached to the inspector's certificate sent to the Livestock Commission. When such bills of sale cover cattle not included in the inspection, the inspector shall issue to the owner of the bill of sale a receipt for such bill of sale. Said receipt shall describe the balance of the cattle covered by the original bill of sale. For each hide inspected the authorized officer making such inspection shall collect a fee of twenty-five cents for beef hides, and for veal hides a fee of ten cents, such fee to be retained by the inspector. Provided, however, that any butcher or hide dealer may contract or agree with the inspector for inspection at a less fee than twenty-five cents for each hide, and provided further that all such contract inspectors shall be appointed by the Livestock Commission.

Bills of sale.

Fees.

Any person who kills beef or veal in good faith for his own use or for the use of himself and three neighbors shall not be required to have such meat inspected or stamped, nor shall he be required to procure any license provided for in this Act.

Exceptions.

Section 4. Every person or persons, firm, corporation or association, slaughtering cattle for their own use, must before disposing of the hide or hides from such cattle, have the same inspected by an officer authorized to make such inspection and secure a certificate of inspection as hereinbefore provided for. It shall be unlawful for any person or persons, firm, corporation, or association to sell

Inspection when slaughtered for own use.

HeinOnline -- 1929 115 1929

or offer for sale any hide or hides from neat cattle which have not been inspected and tagged by an authorized inspector.

Inspection for buyers.

Beef or veal hides may be sold to buyers without inspection or tag, provided the purchaser immediately takes such hide or hides to the inspector residing in the county where such hide or hides were sold, and closest to the point where sale was made for inspection and tagging. Such buyer must deliver to the inspector a bill of sale signed by the seller, fully describing such hide or hides as to sex, age, color, brands and whether green or dry. Such bills of sale shall be transmitted by the inspector to the Livestock Commission with the report of the inspection.

Buying without tags.

Section 5. It shall be unlawful for any person or persons, firm, corporation, or association to purchase the hide or carcass or any part thereof of any beef or veal without the inspection stamp or tag herein provided for. The provision of this Section shall not apply to any person or persons who shall purchase from a licensed butcher or peddler beef or veal in quantities less than one quarter of an animal.

Powers of inspectors.

Section 6. Any officer having authority to make the inspection herein provided for may enter into and inspect butcher shops, slaughter houses, and other places of business of meat peddlers and butchers, or places where beef is handled in quantities, for the purpose of determining whether the provisions of this Act have been complied with. In case meat is found which is being held in violation of the provisions of this Act, the officers shall have authority to seize and take the same. All meat so seized shall be sold under the direction of a stock inspector, sheriff, or other officer authorized, at either public or private sale, for the best price obtainable, and the proceeds shall be paid to the county treasurer of the county in which said meat is seized for the benefit of the general fund of said county.

Possession without inspection.

Section 7. It shall be unlawful and a misdemeanor for any person to transport by a motor truck or other vehicle or have in his possession for the purpose of sale any meat which has not been inspected and stamped as required by the provisions of this Act, and any officer authorized shall have the right to seize and sell the same as hereinbefore provided. Provided, however, that this shall not

HeinOnline -- 1929 116 1929

apply to meat being transported or held for the purpose of inspection and stamping as provided for in this Act.

Forfeiture of license.

Section 8. In addition to the penalties provided by Section 9 of this Act, any butcher, meat peddler, or any other person as defined by this Act, who shall violate any of the terms of this Act, shall suffer a forfeiture of the license required by this Act, and no license shall again be issued to such person until the expiration of one year from the date of such conviction.

Misdemeanor.

Section 9. Any person or persons who violates any of the provisions of this Act, or who wilfully falsifies any of the records required by this Act, to be kept, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than $100.00 nor more than $500.00, or by imprisonment in the county jail for a period of not less than thirty days nor more than six months, or by such fine and imprisonment for the first offense, and for each subsequent offense shall be deemed guilty of a felony and punished by imprisonment in the state prison for not less than one year nor more than five years.

Saving clause.

Section 10. If any clause, sentence, section, paragraph, or part of this Act shall for any reason be adjudged by any Court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly adjudged to be invalid and inoperative.

Section 11. Chapter 121 of the Session Laws of the Twentieth Legislative Assembly of Montana of 1927, and all Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 5, 1929.

HeinOnline -- 1929 117 1929

CHAPTER 70.

An Act Providing for the Unified Investment and Administration By the State Board of Land Commissioners Under the Provisions of Article XXI of the Constitution of Certain Public Funds Under the Jurisdiction of the State, the Plan to be Designated as the Unified Investment Plan; Prescribing the Duties of Certain State Officials in Connection With This Plan; and Repealing Sections 5613 and 5614 of the Revised Codes of Montana of 1921, Section 270 of the Said Code as Amended by Chapter 122 of the Laws of the Nineteenth Legislative Assembly, and All Other Acts and Parts of Acts in Conflict With the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. This Section shall be regarded as a general explanation of the main features of the Act. The term Unified Investment Plan as used in this Act shall denote the investment and administration by the State Board of Land Commissioners of the various funds which it is authorized to invest and administer under the provisions of this Act, and under the provisions of Article XXI of the Constitution of the State, as one common fund to be known and designated as the Montana Trust and Legacy Fund, as hereinafter in this Act more specifically provided. Under this plan all securities purchased and all cash on hand will belong jointly to the funds invested; they will share the interest collected on the same basis, and losses if any will automatically distribute themselves pro-rata over all the funds; but each fund will maintain its separate existence; all receipts for each fund including its share of the interest collected will be added to that fund, and every payment made will be deducted from the proper fund.

Definition and explanation of features.

Section 2. The State Board of Land Commissioners is hereby authorized and required to invest according to this plan under the provisions of this Act the following funds: The Escheated Estates Fund, meaning all of the various sums paid over to the State Treasurer from estates escheated or escheating to the State which have not been transferred to the Public School Permanent Fund; all funds arising from any donation, gift, grant, bequest or devise for the support, maintenance or benefit

Authority to invest funds.

HeinOnline -- 1929 118 1929

of any institution of learning or any institution supported in whole or in part by the State of Montana and not intended for immediate use but subject to long term investment and not legally in the custody of any lawfully constituted board, unless some other investment agency has been designated by the donor or by statute; all funds which become parts of the Montana Trust and Legacy Fund under the provisions of Article XXI of the Constitution; and all other public funds of the State subject to long-term investment not legally in the custody of any lawfully constituted board. No fund arising mainly from federal land grants made to the State of Montana shall be invested or administered under this plan.

Powers to transfer.

Section 3. Any department of the government of the State of Montana, state board, commission, bureau, institution, office or officer, which has under its or his administration any fund subject to investment, is hereby granted the right, upon making request therefor, to have such fund or any part thereof invested by the State Board of Land Commissioners according to this plan under the provisions of this Act. The said Board is hereby authorized and required to invest and administer the fund or part of fund for which such request has been made.

To what transferred.

Section 4. Investments belonging to the funds designated in Section 2 of this Act shall be transferred to the account of the Montana Trust and Legacy Fund as of July 1, 1929.

How and when transferred.

Section 5. Investments belonging to any of the funds embraced under the provisions of Section 3 of this Act of which the State Board of Land Commissioners has assumed the investment administration, shall be transferred to the account of the Montana Trust and Legacy Fund upon request for such transfer made by the officer or authority having charge of such Fund, if in the judgment of the Board such securities in every way constitute safe and satisfactory investments for the Montana Trust and Legacy Fund.

How invested.

Section 6. All funds invested according to the Unified Investment Plan shall be invested as one common fund to be known and designated as the Montana Trust and Legacy Fund as provided in Article XXI of the Constitution, and shall be invested in the same kinds of securities as the Constitution and the statutes prescribe for the investment of the other funds under the administration of

HeinOnline -- 1929 119 1929

the State Board of Land Commissioners, and also subject to the special limitations of the said Article XXI. The entire investment administration of all these funds shall be subject to the supervision of the Justices of the Supreme Court as provided in Section 17 of the said Article. The Commissioner of State Lands and Investments shall perform the same duties and exercise the same powers with regard to the investment administration of the funds under the Unified Investment Plan as he performs with regard to the other investments made by the State Board of Land Commissioners.

Supervision.

Duties of Land Commissioner.

Section 7. The State Board of Land Commissioners is hereby specifically granted the power and authority to sell and transfer at their full and true value any securities belonging to the Montana Trust and Legacy Fund to any other fund under its control or to investors, when it finds such sale and transfer necessary to raise money for payments due from the said Fund.

Powers of Land Commissioner.

Section 8. The State Treasurer shall keep a separate account to be designated by name and number for each and every fund which is invested and administered as part of the Montana Trust and Legacy Fund and shall also keep an account of the total of such Fund and of all the investments belonging to such Fund. Every receipt and collection for each and every fund shall when received be added to the particular fund to which it belongs, and every payment made shall be deducted from the proper fund. The State Auditor shall in all cases keep accounts corresponding to those required to be kept by the State Treasurer under the provisions of this Act.

Treasurer's account.

Auditor's account.

Section 9. The State shall be entitled to receive as compensation for the administration of all the funds administered under this Act one-twentieth (1/20) of all the interest collected thereon each year, less the losses, if any, ascertained during the same year. (See Section 11 of Article XXI, Constitution).

Compensation.

Section 10. On December 31, 1929, the State Treasurer shall transfer from the total interest receipts for the Montana Trust and Legacy Fund up to that date all interest accrued but unpaid on July 1, 1929, on all securities taken over by the State Board of Land Commissioners, and add such accrued interest to the individual funds to which it belongs. From the balance of the interest collected up to December 31, the State Treasurer shall trans-

Transfer of interest.

HeinOnline -- 1929 120 1929

fer to the State General Fund one-twentieth (1/20) less all the losses, if any, on the investments ascertained up to that time. General fund portion.

The balance of the interest collected shall be added pro-rata to each and every fund constituting the Montana Trust and Legacy Fund, which was part of that fund on July 1, 1929, and still remains a part thereof, based on the total thereof on that date, and shall be added to each such fund, or held available for payment, according to the provisions of the statutes and other valid provisions applicable thereto. Disposition of balance.

Section 11. On the last day of December, 1930, and on the last day of December each year thereafter, the State Treasurer shall transfer to the State General Fund one-twentieth (1/20) of all the interest collected during that year, less all the losses ascertained during that year, if any, which losses shall be deducted from the one-twentieth (1/20) constituting the compensation of the State. The balance of the interest collected shall be credited pro-rata to each and every fund then constituting the Montana Trust and Legacy Fund that was in the keeping of the State on January 1, of that year, based on the total thereof on that date, and shall be added to each such fund, or held available for payment, according to the provisions of Section 11 of Article XXI of the Constitution and of the statutes and other valid provisions applicable thereto. If any fund is larger or smaller on December 31, than on January 1, of the same year, then the average of the amounts on these two dates shall be the basis for calculating the interest to be credited to that fund. Where to transfer.

Section 12. The principal, and any part thereof, of each and every fund constituting the Montana Trust and Legacy Fund shall be subject to payment at any time when due under the constitutional and statutory provisions applicable thereto and according to the provisions of the gift, donation, grant, legacy, bequest, or devise through or from which the particular fund arises. Both payments of interest earnings and payments of principal shall be made upon warrants duly issued by the State Auditor under orders received by him from the authorities having the legal control of the use of the various funds. When subject to payment.

HeinOnline -- 1929 121 1929

Section 13. Whenever any payment is required to be made of interest or principal from any endowment fund or other fund administered as part of the Montana Trust and Legacy Fund, which payment is not subject to the order of any department of the government of the State, state board, commission, bureau, institution, office or officer, other than the State Board of Land Commissioners, the State Treasurer shall send a statement in duplicate to such board of the payment or payments to be made showing all essential facts relating thereto. The board shall then issue orders upon the State Auditor to issue warrants for all payments approved by it.

Statements to board.

During January of each year, the State Treasurer shall submit to the board a statement covering all such interest payments to be made for the preceding year and all such payments from principal to be made at that time giving all necessary information relating thereto. The board shall then issue orders upon the State Auditor to issue warrants for all payments approved by it.

Statement of Treasurer.

Section 14. No order or warrant shall ever be issued upon the Montana Trust and Legacy Fund for a larger amount than the sum total of the particular fund to which it applies, and if such order or warrant is issued, the State Treasurer shall refuse to pay the same and shall be personally liable under his official bond for the entire overdraft resulting from such payment if made.

Limitations.

Section 15. The State Treasurer shall keep in a book provided for that purpose, a permanent record of all gifts, donations, grants, legacies, bequests, devises and other contributions administered by the State Board of Land Commissioners under Article XXI of the Constitution and Acts and parts of Acts carrying this part of the Constitution into effect. This record shall show the names of the givers, the purposes of the contributions and all essential facts relating thereto. A duplicate of this record shall be kept by the Secretary of State. These records shall be preserved perpetually as a lasting memorial to the givers and their interest in society. The Legislative Assembly shall from time to time make provisions for suitable publicity concerning these benefactors of their fellowmen.

Record of Treasurer.

Section 16. The State Treasurer shall from time to time make such reports relating to the affairs of the Mon-

Reports.

HeinOnline -- 1929 122 1929

tana Trust and Legacy Fund as the State Board of Land Commissioners may call for.

Section 17. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 18. If any Sections or Section or part of Section of this Act should be found to be unconstitutional by the Supreme Court of this State, such finding of unconstitutionality shall not affect the remainder of the Act but the same shall remain in full force and effect.

Approved March 6, 1929.

CHAPTER 71.

An Act Providing for the Admission of Dollie Cosens, A Daughter of a Deceased Civil War Veteran, to the Montana Soldiers Home at Columbia Falls, Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It is hereby provided that Dollie Cosens, a blind woman, residing in Deer Lodge County, Montana, and the daughter of Henry Clay Cosens, a deceased Civil War Veteran, be, and is hereby eligible to admission to the Montana Soldiers Home at Columbia Falls, Montana.

Section 2. It is hereby provided that the Commandant of the Montana Soldiers Home at Columbia Falls, Montana, is hereby instructed to admit Dollie Cosens to said Home.

Section 3. Since this is an emergency relief Act it shall be in full force and effect immediately upon its passage and approval.

Approved March 6, 1929.

HeinOnline -- 1929 123 1929

CHAPTER 72.

An Act to Repeal Section 537 of the Revised Codes of Montana of 1921, Relating to the Publication of Questions Submitted to Popular Vote.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 537 of the Revised Codes of Montana of 1921, relating to the publication of questions submitted to popular vote, be, and the same is hereby repealed.

Section 2. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 6, 1929.

CHAPTER 73.

An Act to Amend Sections 2593 and 2595, Revised Codes of Montana, 1921, Providing for the Director of the Food and Drugs Division of the State Board of Health to Act as Chemist in the Enforcement of the Food and Drugs Act and Stating His Qualifications and Stating the Duty of the County Attorney in Accepting as Presumptive Evidence the Report of the Chemist of the Food and Drugs Division of the State Board of Health.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2593, Revised Codes of Montana, 1921, be amended to read as follows:

Qualifications of director

Section 2593. The Director of the Food and Drugs Division of the State Board of Health shall be a qualified chemist and all chemical analyses required in the enforcement of the Food and Drugs Act shall be made in the Food and Drugs Laboratory at Helena and by or under the direction of the said Chemist.

Section 2. That Section 2595, Revised Codes of Montana, 1921, be amended to read as follows:

Duties of County Attorney.

Section 2595. Whenever the State Board of Health shall furnish evidence to the County Attorney of any county in this State, such County Attorney shall prose-

HeinOnline -- 1929 124 1929

cute any person, persons, firm, or corporation violating any provision of this Act, or any rule or regulation made by the State Board of Health in conformity with the provisions of this Act, and the report of the Chemist of the Food and Drugs Division of the State Board of Health, stating that any drug or food examined by him is found to be impure or below the standard required by the provisions of this Act, or the rules and regulations of the State Board of Health, shall be taken as presumptive evidence of the impurity of such drug or article of food.

Section 3. This Act shall be in full force and effect on and after its passage and approval.

Approved March 6, 1929.

CHAPTER 74.

An Act to Prevent the Defacement, Removal or Destruction, of Highway Construction Detour Signs, or Barricades, or Warning Lights; and to Prevent Passage Over Construction Work Designated as Closed to Traffic.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It shall be unlawful for any person to remove, destroy, or deface any barrier, or sign, erected by proper authority, indicating that a road, street, bridge, or highway is closed to traffic or to pass over a road or bridge that is marked, signed, or barricaded to indicate that it is closed to traffic. It shall also be unlawful for any person to extinguish, remove or destroy any lantern, torch, or reflector from any barricade or warning sign so erected.

Roads closed to traffic.

Any violation of this Law shall be punishable by a fine of not less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00).

Violation and penalty.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 6, 1929.

HeinOnline -- 1929 125 1929

CHAPTER 75.

An Act to Repeal Sections 3947 to 4025, Both Inclusive, of the Revised Codes of Montana of 1921, and Chapter 147 of the Laws of the Eighteenth Legislative Assembly, 1923, and Chapter 135 of the Laws of the Nineteenth Legislative Assembly, 1925, Amendatory Thereof, Relating to the Creation, Powers, and Duties of the Montana Irrigation Commission, the Regulation and Sale of Water Rights, and the Creation, Organization, Administration and Control of Irrigation Districts by the Public Service Commission of Montana, and Providing for a Continuance of Said Sections, and Amendments Thereof, as to all Irrigation Districts Which Have Been Organized and Incurred Indebtedness Pursuant to Said Sections and Amendments Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Repealing clause.

Section 1. That Sections 3947 to 4025, both inclusive, of the Revised Codes of Montana of 1921, and Chapter 147, Laws of the Eighteenth Legislative Assembly, 1923, and Chapter 135, Laws of the Nineteenth Legislative Assembly, 1925, amendatory thereof, relating to the creation, powers and duties of the Montana Irrigation Commission, the regulation and sale of water rights, and the creation, organization, administration and control of irrigation districts by the Public Service Commission of Montana, shall be, and each of them is, and all of them are, hereby repealed.

Affect on indebted districts.

Section 2. That the several repeals affected by this Act shall not operate upon, affect, or in any manner impair the irrigation districts which have organized and incurred indebtedness pursuant to the provisions of the above mentioned sections, or any of them, nor the authority of the Public Service Commission of Montana thereunder, and as to said districts, the said sections and amendments shall remain in full force and effect.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 7, 1929.

HeinOnline -- 1929 126 1929

CHAPTER 76.

An Act Designating The Number of Publications to be made under Various Laws of the State of Montana, and for the Cure and Validation of Orders, Findings, Judgments, Decrees and other Proceedings Based upon Publications for the Number of Times Prescribed herein.

Be it enacted by the Legislative Assembly of the State of Montana:

Publication of notices.

Section 1. Whenever any statute of Montana requires the publication of any notice, order or other paper or document, in any newspaper, once a week for any specified number of weeks, it shall be sufficient to so publish the same once each week for such number of times as shall equal the number of weeks so designated.

Validations of notices.

Section 2. Any order, finding, judgment, decree or proceeding of any nature heretofore made, done, entered or had, based upon a publication for the number of times prescribed in the foregoing Section, is hereby validated insofar as its validity depends upon the number of such publications.

Approved March 8, 1929.

CHAPTER 77.

An Act to Amend Section 30 of Chapter 147 of the Laws of the Twentieth Legislative Assembly Relating to School District Bonds Providing for the Payment of School District Bonds Held by the State, or Optional Bonds and for the Purchase and Redemption of Outstanding Bonds Not Held by the State of Montana and Providing for the Investments of Sinking Funds, Cancellation of the Redeemed Bonds and Repealing Chapter 76 of the Session Laws of the Twentieth Legislative Assembly.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 30 of Chapter 147 of the Session Laws of the Twentieth Legislative Assembly be and the same is hereby amended and re-enacted to read as follows:

HeinOnline -- 1929 127 1929

Payment of bonds.

Section 30. Whenever there is available money in any school district bond sinking fund sufficient to pay and redeem one or more bonds of such series or issue held by the State of Montana, the County Treasurer must apply such available money in payment of as many of such bonds as the same will pay. Not less than thirty (30) days before the next interest due date the County Treasurer must give notice to the State Board of Land Commissioners that on such interest due date such bond or bonds will be paid, and such County Treasurer, before such interest due date, must remit to the State Treasurer the amount required to pay such bond or bonds with interest. Upon receipt of such amount, the State Treasurer must cancel such bond or bonds, and all unpaid coupons attached thereto, and return the same, with his receipt, to the County Treasurer, provided, however, that nothing in this Section shall be so construed as to permit the issuance of refunding bonds by any school district for the purpose of redeeming, before maturity, any bond or bonds held by the State, nor to grant the right to pay any bond or bonds held by the State with the proceeds of any refunding bond issue, except as provided in Section 7 of this Act.

Notice to Land Commissioner.

Duties of State Treasurer.

Proviso.

Redeemable bonds.

Whenever there is available money in any school district bond sinking fund sufficient to pay one or more optional bonds of such issue or series, and which optional bonds are not yet due but are then redeemable, or will become redeemable on the next interest due date, and such bonds are not held by the State of Montana, the County Treasurer must apply such available money in payment and redemption of as many of such bonds as the same will pay and redeem. The County Treasurer must give notice to the holder of such bond or bonds, if known to him, or to any bank or financial institution at which such bonds are payable, at least thirty (30) days before the next interest due date, that such bond or bonds will be paid and redeemed on such date. If such bonds are payable at some bank or financial institution the County Treasurer must remit to such bank or financial institution, before such interest due date, an amount sufficient to pay and redeem such bond or bonds. If such bond or bonds are not presented for payment and redemption on such interest due date interest shall cease thereon on such date.

Notice to holder.

Remittance.

Whenever there is any money available in any school district bond sinking fund sufficient to pay and redeem

HeinOnline -- 1929 128 1929

one or more outstanding bonds not yet due or redeemable, and not held by the State of Montana, the County Treasurer, at the direction of the Board of Trustees of such district shall purchase such bond or bonds of the district, if this can be done at not more than par and accrued interest or at such reasonable premium as the Board of Trustees may feel justified in paying, not in any case exceeding six per centum (6%). Bonds not due or redeemable.

If the Board cannot purchase any of its outstanding bonds at such reasonable price, then the available sinking funds shall be invested by the County Treasurer, under the direction of the Board of Trustees in its own district warrants, or in Treasury Certificates of the United States or in interest bearing bonds of the United States or of the State of Montana or of any County of the State of Montana or in warrants of the State of Montana or warrants of any County of the State of Montana; provided, however, that such sinking funds shall be invested only in securities that become due and will be paid in ample time before the funds are required for the payment of the bonds of the district. Sinking funds.

Section 2. That Chapter 76 of the Session Laws of the Twentieth Legislative Assembly, and all Acts and parts of Acts in conflict herewith be and the same are hereby repealed.

Approved March 8, 1929.

CHAPTER 78.

An Act to Amend Section 5251 of the Revised Codes of Montana of 1921, As Amended by Chapter 156, Nineteenth Legislative Assembly of the State of Montana, Relative to the Collection of Special Assessments and Taxes for Special Improvements Within Incorporated Cities and Towns, and for the Certification of Special Assessments to the County Clerk for Collection.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5251 of the Revised Codes of Montana of 1921, as amended by Chapter 156, Nineteenth Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

HeinOnline -- 1929 129 1929

Section 5251. (a) **Collection by County Treasurer. City Treasurer to Certify Special Assessments:** It shall be the duty of the City or Town Treasurer of every city or town whose taxes for general, municipal and administrative purposes are certified to and collected by the County Treasurer in accordance with the provisions of Section 5216 of this Code, immediately after the second Monday of August of each year, and at the same time the copy of resolution determining the annual levy for general taxes is certified by the City or Town Clerk to the County Clerk as required by said Section 5216, to certify to the County Clerk of the county in which such City or Town is situated all special assessments and taxes levied and assessed in accordance with any of the provisions of this Act, and the County Treasurer must collect the same in the same manner and at the same time as said taxes for general, municipal and administrative purposes are collected by him.

Certification of Treasurer to County Clerk, special assessments.

(b) **City Treasurer to Collect Special Assessments, When:** In every city or town which shall provide by ordinance for the collection of its taxes for general, municipal and administrative purposes by its City or Town Treasurer, such City or Town Treasurer shall collect all special assessments and taxes levied and assessed in accordance with any of the provisions of this Act, in the same manner and at the same time as said taxes for general, municipal and administrative purposes are collected by him; and all of the provisions of Section 5215 of this Code and Chapter 148, Twentieth Legislative Assembly, shall apply to the collection of such special taxes and assessments in the same manner as such provisions apply to the collection of other city or town taxes. When one payment becomes delinquent all payments shall, at the option of the City or Town Council, by appropriate resolutions duly adopted become delinquent, and the whole property shall be sold the same as other property is sold for taxes.

City Treasurer to collect assessments.

Manner and time.

(c) **City Treasurer May Collect Special Assessments, When:** Any city or town whose taxes for general, municipal and administrative purposes are certified to and collected by the County Treasurer, in accordance with the provisions of Section 5216 of this Code and Chapter 148, Twentieth Legislative Assembly may, nevertheless, provide by Ordinance for the collection by its City or Town Treasurer of all special assessments and taxes levied and

Ordinance for collection.

HeinOnline -- 1929 130 1929

assessed in accordance with any of the provisions of this Act in the same manner and at the same time as said taxes for general, municipal and administrative purposes are collected by the County Treasurer and all of the provisions of Section 5215 of this Code and Chapter 148, Twentieth Legislative Assembly, shall apply to the collection of such special taxes and assessments in the same manner as such provisions apply to the collection of other city or town taxes. When the payment of any one installment of any special assessment becomes delinquent, all payments of subsequent installments shall, at the option of the City or Town Council, by appropriate resolution, duly adopted, become delinquent, and such delinquent special assessments shall be certified to the County Clerk of the County in which such City or Town is situated, and the County Treasurer must collect such delinquent special assessments and taxes in the same manner and at the same time as said taxes for general, municipal and administrative purposes are collected by him, and in case the same are not paid, the whole property shall be sold, the same as other property is sold for taxes.

Certification to County Clerk.

(d) **Special Assessments, When Payable**: All special assessments, or installments of special assessments in cities and towns, duly and regularly levied by Resolution, according to law, shall be payable on or before 6 o'clock P. M. on the 30th day of November of each year, and in event the same are not paid on or before said date, the same shall be subject to the same interest and penalties for non-payment as are or may hereafter be provided by the laws of the State of Montana for other delinquent taxes.

When payable.

(e) **Delinquent Assessments May Be Reinstated**: When any special assessment, or installment, or installments of special assessments, have become delinquent, and are so declared by appropriate Resolution by the City or Town Council, and have been certified to the County Clerk and County Treasurer for collection, as herein provided, the City or Town Council may, nevertheless, at its option, upon the payment to the City Treasurer of the assessment, or the installment or installments of special assessments, and interest, up to date, by appropriate Resolution, be withdrawn from the County Treasurer, and cancelled from his records and proceedings, and reinstated in the office of the City Treasurer and on the assessment book thereof. Said withdrawal and reinstatement may be had

Reinstatement of delinquent assessments.

HeinOnline -- 1929 131 1929

and made at any time before or after sale of the property for delinquent taxes, and before tax deed therefor has been executed, the certified copy of the Resolution of the City or Town Council with reference to such payment, withdrawal and reinstatement filed with the County Treasurer shall be authority to and for the County Treasurer to cancel and withdraw said delinquent special assessments or any installments thereof.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1929.

CHAPTER 79.

An Act to Amend Section 1, of Chapter 96 of the Session Laws of the Eighteenth Legislative Assembly of Montana Relating to the Collection of Taxes and the Time and Method of Collecting the Same, and the Interest Thereon, and Providing Penalties for the Delinquency Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 96 of the Session Laws of the Eighteenth Legislative Assembly of the State of Montana of 1923, be, and the same is hereby amended to read as follows:

General taxes.

When payable.

Delinquent taxes.

Interest.

Section 1. (a) **General Taxes.** All taxes levied and assessed in the State of Montana, except special assessments made for special improvements in towns and cities shall be payable as follows: One-half of the amount of such taxes shall be payable on or before 6 o'clock P. M. on the 30th day of November of each year, and one-half on or before 6 o'clock P. M. on the 31st day of May of each year; provided, that unless one-half of such taxes are paid on or before 6 o'clock P. M. on the 30th day of November of each year, then, and in that event, the whole amount of taxes so levied and assessed shall become delinquent, and all delinquent taxes shall draw interest at the rate of one per cent per month from the time they

HeinOnline -- 1929 132 1929

are first delinquent until paid. All taxes not paid on or before 6 o'clock P. M. of the 31st day of May of each year will be delinquent, and will draw interest at the rate of one per cent per month until paid. A penalty of five per cent shall be added to all delinquent taxes.

Penalty.

(b) **Special Assessments for Special Improvements:** Special assessments, or installments of special assessments, made for special improvements in towns and cities, duly and regularly made and levied by Resolution, according to law, shall be payable on or before 6 o'clock P. M. on the 30th day of November of each year, and in the event the same are not paid on or before said date, the same shall be subject to the same interest and penalty for non-payment as are or may hereafter be provided by the laws of the State of Montana for other delinquent taxes. The collection thereof shall be had and made as provided by Section 5251, Political Code, Revised Codes of Montana, 1921, as the same is now in force or may be hereafter amended.

Special assessments, when payable.

Interest.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1929.

CHAPTER 80.

An Act Defining Tourist Camp Grounds, Authorizing the Promulgation and Enforcement of Rules and Regulations by State Board of Health, Issuing and Revoking Licenses; Providing for the Posting of Rules and Regulations and Providing for Penalty of Violation of the Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The term, tourist camp ground, as used in this Act, shall include and mean any tract or parcel of land owned, maintained or used for public camping, primarily by automobile tourists whether the same shall be owned, used or maintained by any person, persons, copartnership, firm or corporation upon which tract of land persons may camp or secure cabins or tents, either free of

Definition of tourist camp ground.

HeinOnline -- 1929 133 1929

charge or by the payment of a fee, and whenever the words, tourist camp ground, are used in this Act they shall be construed to mean a tourist camp ground as herein described and defined.

Duties of State Board of Health.

Section 2. The State Board of Health is hereby empowered, authorized, and directed to make such rules and regulations for the conducting of such tourist camp ground as in its judgment shall be necessary to insure the greatest degree of sanitation, and as will most effectively conserve the health and promote the welfare of persons visiting and patronizing such camps, and monthly inspection shall be made of tourist camps by local and county health officers during the months of May, June, July, August and September and such additional inspections as may be required by the State Board of Health.

Licenses.

Section 3. It shall be unlawful for any person, persons, co-partnership, firm or corporation to conduct a tourist camp ground without having a license issued by the State Board of Health of Montana. Licenses shall be furnished upon request for that purpose. An annual fee of Two Dollars ($2.00) shall be required for each license. Licenses shall be made to expire on the last day of December of the current year in which they are issued. No license shall be issued to any tourist camp ground that is conducted in a grossly unsanitary manner.

Violation and penalty.

Section 4. Any person, persons, co-partnership, firm or corporation who operates a tourist camp ground without first obtaining a license from the State Board of Health, or who operates a tourist camp ground after his license has been revoked shall be guilty of a misdemeanor and upon conviction, shall be punished by a fine of not less than Twenty Five Dollars ($25.00) or more than One Hundred Dollars ($100.00). All fines collected for violations of the provisions of this Act shall be paid to the County Treasurer of the proper county, who shall remit the same to the State Treasurer of the State of Montana, and said moneys shall be placed to the credit of the General Fund of the State.

Cancellation of license.

Section 5. If as a result of inspection by an authorized representative of the State Board of Health, any licensed tourist camp ground found not to be conducted within a reasonable degree of compliance with the rules and regulations of the State Board of Health, the license may be cancelled by the Secretary of the State Board of Health,

HeinOnline -- 1929 134 1929

provided that any licensee whose license is so cancelled, shall be entitled to a hearing before the State Board of Health to show cause, if any, why his license should not be cancelled. In such case licensee must make written request to the Secretary of the State Board of Health for a hearing within five days after notice has been received that his license has been cancelled. Fees collected by the State Board of Health for licenses issued shall be transmitted to the State Treasurer and placed in the General Fund of the State.

Fees.

Section 6. The rules and regulations promulgated by the State Board of Health covering the maintenance, operation and conduct of such tourist camp ground, shall be printed and kept posted in conspicuous places on the premises of each camp ground, and it shall be the duty of each owner or caretaker to see that such rules and regulations are posted and kept posted during the operation and maintenance of such tourist camp ground.

Printing of rules and posting.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1929.

CHAPTER 81.

An Act to Amend Section 1627 of the Revised Codes of Montana of 1921, Relating to Removal of Obstructions and Repair of Bridges.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1627 of the Revised Codes of Montana 1921, be, and the same is hereby amended to read as follows:

Section 1627. **Removal of obstructions and repair of bridges.** Whenever any public highway becomes obstructed from any cause, or any bridge needs repairing or becomes dangerous for the passage of teams or travelers, the Board of County Commissioners, or the County Surveyor if he be the officer in charge of roads and bridges, upon being notified thereof, must cause such obstruction to be removed, or bridge repaired, for which purpose the Board of County Commissioners or the county

Obstructed highways.

HeinOnline -- 1929 135 1929

Power to order inhabitants to clear obstructions.

surveyor, if he be the officer in charge of roads and bridges, or the Road Supervisor of the district may order out such number of inhabitants of the district as may be necessary to aid in removing such obstructions or repairing such bridge. If any persons after three days notice, whether said notice be oral or written, being physically able to respond, shall fail to be present at the time and place designated, or having attended, refuses to obey the direction of the person in charge of the work, or passes his time in idleness, or inattention to the duty assigned him, he shall be liable to punishment as for a misdemeanor; provided, that every person responding to any such order and performing the duties assigned him shall be compensated for his labor at a rate not to exceed Four Dollars ($4.00) per day of eight hours, the time taken in going to and from the place of labor not included. Provided nothing in this Act shall be construed as holding the County Commissioners responsible or liable for anything other than wilful, intentional neglect or failure to act.

Refusal to obey.

Penalty.

Wage.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1929.

CHAPTER 82.

An Act to Amend Sections 1503 and 1504 of the Revised Codes of Montana of 1921, Relating to the State Orphans' Home, and Repealing Sections 1501 and 1502 of the Revised Codes of Montana of 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1503 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Application for admission.

Section 1503. **Application for Admission.** When it is desired to place any child in said State Orphans' Home, application shall first be made to the Judge of the District Court, and said Court shall require the State Bureau

HeinOnline -- 1929 136 1929

of Child Protection, or some individual designated by said Court, to make a full and complete investigation of said application and the facts and circumstances relating thereto, and to present such facts with a petition for admission to the said State Orphans' Home to the said Judge, in whom shall be vested the authority to make commitment.

Section 2. That Section 1504 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Section 1504. **Court May Commit Children and Shall Order Payment to the State Orphans' Home.** Whenever in divorce proceedings the District Court shall deem the parents improper persons to have the care, custody or control of children of the marriage, or whenever the abuse of parential authority shall be established by an action brought for that purpose, or whenever deemed for the best interest of children as shown by an investigation made by the Bureau of Child Protection, or by an individual designated by the Court, the Court may order the child or children committed to the State Orphans' Home, and must order the parent or parents to pay such sum or sums of money as under their circumstances appears just, in the discretion of the Court, the same to be due and be paid monthly to the State through the Court having jurisdiction to defray the expenses of such child or children in the Home, and such sum or sums so paid shall be by such Court paid and credited to the General Fund of the State of Montana. Should such sum or sums so ordered by the Court to be paid, be not paid when due, the party or parties liable therefor shall be guilty of contempt of Court, and in addition thereto execution may issue on the order of the Court against the party or parties in default for the amount due and unpaid, and any property owned, or money or wages due such party or parties, may be levied on under such execution, and used in satisfying the same, and no exemption under any existing law shall be allowed any party liable under this Section.

When court may commit child by order.

Monthly payment.

How collected.

Section 3. That Sections 1501 and 1502 of the Revised Codes of Montana of 1921, be, and the same are hereby repealed.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

HeinOnline -- 1929 137 1929

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1929.

CHAPTER 83.

An Act Fixing the Annual Salary of the Official Stenographer of the Supreme Court.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The annual salary of the official stenographer of the Supreme Court, who shall be designated the Court Reporter, for all services now rendered or which may hereafter be devolved upon him by law, is Four Thousand Dollars ($4,000.00).

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 8, 1929.

CHAPTER 84.

An Act to Amend Section 6311 of the Revised Codes of Montana, 1921, Relating to Beneficiaries in Benefit Certificates Issued by Fraternal Benefit Societies.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6311 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Who may receive death benefits.

Charitable institutions.

Section 6311. The payment of death benefits shall be confined to wife, husband, relative by blood to the fourth degree, ascending or descending, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepchildren, children by legal adoption, parents by legal adoption, or to a person or persons dependent upon the member; provided, that if after the issuance of the original certificate the member shall become dependent upon an incorporated charitable institution, he shall have the

HeinOnline -- 1929 138 1929

privilege with the consent of the society, to make such institution his beneficiary.

Within the above restrictions each member shall have the right to designate his beneficiary, and, from time to time, have the same changed in accordance with the laws, rules or regulations of the society, and no beneficiary shall have or obtain any vested interest in the said benefit until the same has become due and payable upon the death of the said member; provided, that any society may, by its laws, limit the scope of beneficiaries within the above classes. Beneficiaries.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 8, 1929.

CHAPTER 85.

An Act to Amend Sections 4869, 4870 and 4871 of the Revised Codes of Montana of 1921, Relating to the Salaries of County Superintendents of Schools.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4869 of the Revised Codes of Montana of 1921, be amended to read as follows: County Superintendent of Schools.

Section 4869. In all counties of the first, second, third, and fourth classes the County Superintendents of Schools shall be paid salaries of Twenty Four Hundred Dollars ($2400.00) per annum. Salary in first to fourth classes.

Section 2. That Section 4870 of the Revised Codes of Montana of 1921, be amended to read as follows:

Section 4870. In all counties of the fifth and sixth classes the County Superintendents of Schools shall be paid salaries of Two Thousand Dollars ($2000.00) per annum. Salary in Fifth and sixth classes.

Section 3. That Section 4871 of the Revised Codes of Montana of 1921, be amended to read as follows:

Section 4871. In all counties of the seventh class the County Superintendents of Schools shall be paid salaries of Eighteen Hundred Dollars ($1800.00) per annum. Salary in seventh class.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 8, 1929.

HeinOnline -- 1929 139 1929

CHAPTER 86.

An Act to Amend Section 2159, Revised Codes of Montana 1921, Relating to the Duties of the County Clerk in Relation to Taxes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2159 Revised Codes of Montana 1921, be, and the same is hereby amended so as to read as follows:

Section 2159. **To Follow Directions of State Board of Equalization.** As soon as the County Clerk receives from the State Board of Equalization a statement of any change or changes made by the Board in the assessment books of the county, or in any assessment therein contained, he must make the corresponding change or changes in the assessment books, by entering the same in a column provided with a proper heading in the assessment books, counting any fractional sum, when more than fifty cents as one dollar, and omitting it when less than fifty cents, so that the value of any separate assessment shall contain no fractions of a dollar; but he must in all cases disregard any action of the Board of County Commissioners which is prohibited by Section 2007 of these Codes; provided, however, that if such assessment books are not in the possession of the County Clerk at the time he receives any such statement, he must immediately make a copy thereof, attesting the same with his seal of office, and deliver such attested copy to the county officer then having possession of such assessment books, and it shall be the duty of such county officer to immediately make the corresponding change or changes in such assessment in the manner herein provided.

County Clerk to change assessments books, when.

Certified copy to other officer.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1929.

HeinOnline -- 1929 140 1929

CHAPTER 87.

An Act to Amend Section 9745 of the Montana Revised Codes of 1921, Relating to the Record on Appeal from Orders other than New Trials.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9745 of the Revised Codes of Montana of 1921, be, and the same is, hereby amended to read as follows:

Section 9745. **Record on Appeal From Orders Other Than New Trial.** On an appeal from an order, except an order granting a new trial, the appellant must furnish the Court with a copy of the notice of appeal of the judgment or order appealed from, and of all papers and evidence used on the hearing in the Court below. Such papers, filed, and evidence, when certified by the Clerk of the Court to be correct and accompanied by a certificate of the Judge that such records have been used at the hearing in the District Court, may be considered on appeal without further indentification. Appeals from orders overruling the motion for a new trial are hereby abolished, and all questions heretofore raised on such an appeal may be raised on an appeal from the judgment. Such questions may be raised and reviewed regardless of whether or not motion for new trial has been made in the trial Court.

Notice of appeal from order.

Accompaniments.

Order overruling new trial.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 8, 1929.

HeinOnline -- 1929 141 1929

CHAPTER 88.

An Act Declaring Unlawful and Void Certain Written Agreements or Contracts for the Performance of Personal Services in Connection with the Preparation for Burial or Cremation, or the Burial or Cremation, of Human Bodies, When Not Made in Contemplation of Imminent Death of the Person Whose Body is to be Buried or Cremated; Defining the Term 'Personal Services' and Providing Penalties for Soliciting or Inducing the Making of Such Contracts and for Accepting Any Fee, Money or Other Valuable Thing for or on Account of Such Contracts.

Be it enacted by the Legislative Assembly of the State of Montana:

Personal service.

Burial and cremation contracts made before death—void.

Exception.

Section 1. All written contracts or agreements hereafter made for the performance of personal services in connection with the preparation for burial or cremation, or the burial or cremation, of dead human bodies, made prior to the death of the persons whose bodies are to be buried or cremated, when said written contract or agreement is not made in contemplation of the imminent death of said persons, are hereby declared to be against the public policy of the State of Montana and to be unlawful and void.

Personal services defined.

Proviso.

Section 2. The term "personal services" as used herein shall be held to include embalming or any other process used to preserve dead human bodies, the cremation of human bodies, or furnishing of caskets, or burial vaults, providing hearses, automobiles, carriages or other transportation to be used in connection with burials, or any other services in connection with the burial or cremation of dead human bodies that are usually performed by undertakers, mortuaries or crematories, or anyone or more of said things; provided, however, that the independent sale of caskets or burial vaults when not made in connection with a contract covering other services herein mentioned shall not be held to be within the term "personal services" as herein used.

Violation.

Section 3. Any person, firm, corporation, association, company or other entity and their employees, agents or other representatives who shall solicit or induce the making of any written contract in this Act declared to

HeinOnline -- 1929 142 1929

be unlawful, or who shall accept any fee, money, or other valuable thing for or on account of any such contract shall be guilty of a misdemeanor and upon conviction shall be punished for each offense by a fine of not to exceed One Thousand Dollars ($1,000.00) or by imprisonment in the county jail for not more than one year, or both. Penalty.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1929.

CHAPTER 89.

An Act to Amend Section 4916 of the Revised Codes of Montana of 1921, as Amended by Chapter 111 of the Laws of the Twentieth Legislative Assembly, Relating to the Fees of Sheriffs.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4916 of the Revised Codes of Montana of 1921, as amended by Chapter 111 of the Laws of the Twentieth Legislative Assembly, be, and the same is hereby amended to read as follows:

Section 4916. **Fees of Sheriff.** For the service of summons and complaint on each defendant, One Dollar ($1.00). Fees of sheriff.

For levying and serving each writ of attachment or execution on real or personal property, One Dollar ($1.00).

For service of attachment on the body or order of arrest on each defendant, One Dollar ($1.00).

For the service of affidavit, order, and undertaking in claim and delivery, One Dollar ($1.00).

For serving a subpoena, thirty cents (30c) for each witness summoned.

For serving writ of possession or restitution, Two Dollars ($2.00).

For trial of the right of property or damages, including all services except mileage, Three Dollars ($3.00).

HeinOnline -- 1929 143 1929

For taking bond or undertaking in any case authorized by law, One Dollar ($1.00).

For serving every notice, rule or order, One Dollar ($1.00) for each person served.

For copy of any writ, process or other paper when demanded or required by law, twenty cents (20c) for each folio.

For advertising any property for sale on execution or under any judgment or order of sale, exclusive of cost of publication, One Dollar ($1.00).

Keeper under attachment.

For the expense in taking and keeping possession of and preserving property under attachment, execution or other process, such sum as the Court or Judge may order, not to exceed the actual expense incurred, and no keeper must receive to exceed Three Dollars ($3.00) per day and no keeper must be employed without an order of Court, nor must he be so employed unless the property is of such character as to need the personal attention and supervision of a keeper. No property shall be placed in charge of a keeper if it can be safely and securely stored, or where there is no reasonable danger of loss.

Mileage.

In addition to the fees above specified, the Sheriff shall receive for each mile actually traveled in the performance of any official duty, or in serving any writ, process, order or other paper including a warrant of arrest, or in conveying a person under arrest before a magistrate or to jail, ten cents (10c) per mile when such travel is made by railroad and twelve and one-half cents (12½c) when travel is made other than by railroad, both going and returning, and he shall also be allowed mileage based upon the above rates for each person transported under an order of Court, for the actual distance conveyed or transported within the county, the same to be in full payment for transporting and dieting such person during such transportation. Provided, however, that this Act shall not apply to the delivery of prisoners at the State Prison or at the Reform School, or insane persons to the State Insane Asylum, for which he shall receive the actual expense incurred as provided by Section 4885 of the Revised Codes of 1921. Nor shall this Act apply to trips made for the return of fugitives apprehended and arrested outside the county for which the Sheriff shall receive the actual and necessary expenses incurred in going for and returning with such fugitive. But no mileage must be allowed on an attachment, order of arrest, order for delivery of

Delivery of prisoners, actual expense.

Return of fugitives.

HeinOnline -- 1929 144 1929

personal property, or any other order, notice or paper, when the same accompanies the summons, and the service thereof may be made at the time of the service of the summons, unless for the distance actually traveled beyond that required to serve the summons. When two or more papers are served on the same person at the same time, but one mileage must be allowed or charged. In the service of subpoenas, but one mileage must be charged when the persons named therein live in the same place or in the same direction, but mileage may be charged for the longest distance actually traveled. Any writ, order or other paper for service, must be received at any place in the County where a Sheriff or a Deputy is found, and mileage must be computed from such place, but if papers are delivered for service away from the County seat, all necessary copies thereof must be furnished for service. When two or more officers travel in the same automobile in the discharge of any duty but one mileage shall be allowed.

When summons is served.

Subpoenas.

How mileage computed.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1929.

CHAPTER 90.

An Act to Re-Allocate certain Appropriations for State Offices, Boards and Institutions made by the Twentieth Legislative Assembly for the Biennium Ending June 30, 1929; It having been determined that, while Sufficient Money had been Appropriated in Total, the Allotments were not in accord with the Requirements.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That, it having been determined that certain appropriations made by the Twentieth Legislative Assembly were sufficient in total, yet were improperly distributed to meet the requirements of certain state offices, boards, and institutions for the biennium ending June 30, 1929, the following transfers are hereby auth-

Authorizations of transfers of appropriations.

HeinOnline -- 1929 145 1929

orized between the different appropriations for the respective state offices, boards and institutions as follows:

Attorney General.

ATTORNEY GENERAL:

That there is hereby transferred from the appropriation for Attorney General—Salaries of Others and re-appropriated as Salaries for Assistant Attorney Generals, Four Hundred Fifty Dollars $450.00

Farm loan department.

FARM LOAN DEPARTMENT:

That there is hereby transferred from the appropriation for Attorney General—Farm Loan Department—Salaries of Other Employees and re-appropriated to Attorney General—Farm Loan Department—Other Operating Expenses, Five Hundred Dollars $500.00

Bank Examiner.

BANK EXAMINER:

That there is hereby transferred from the appropriation for State Examiner—Other Operating Expenses, Nineteen Hundred Dollars ($1,900.00) and re-appropriated to Salary of State Examiner, Four Hundred Dollars ($400.00) and to State Examiner—Salaries of Others, One Thousand Five Hundred Dollars ($1,500.00).

Board of Examiners.

BOARD OF EXAMINERS:

That there is hereby transferred from the appropriation for Board of Examiners—Other Operating Expenses and re-appropriated to Board of Examiners—Salaries of Stenographers, One Thousand Dollars ($1,000.00).

State budget office.

STATE BUDGET OFFICE:

That there is hereby transferred from the appropriation for State Budget Office—Other Operating Expenses, Seventy-Five Dollars, ($75.00) and re-appropriated to State Budget Office—Salary of Assistant Bookkeeper, Thirty-Five Dollars, ($35.00) and State Budget Office—Salary of Stenographer and Bookkeeper, Forty Dollars, ($40.00).

Montana State Hospital.

MONTANA STATE HOSPITAL:

That there is hereby transferred from the appropriation for State Hospital—Other Operating Expenses, Thirty Four Hundred Sixty Two and 03/100 Dollars ($3,462.03) and re-appropriated to Montana State Hospital—Other Salaries, Thirty Three Hundred Dollars ($3,300.00) and to Montana State Hospital, Tunnels, One Hundred Sixty Two and 03/100 Dollars ($162.03).

HeinOnline -- 1929 146 1929

MONTANA SOLDIERS' HOME: Montana Soldiers' Home.

That there is hereby transferred from the appropriation for Montana Soldiers' Home—Other Operating Expenses, Four Thousand Five Hundred Dollars, ($4,500.00) and re-appropriated to Montana Soldiers' Home—Salaries of Others, Thirty Five Hundred Dollars, ($3,500.00) and to Montana Soldiers' Home—Capital, Repairs and Replacements, One Thousand Dollars ($1,000.00).

DEAF AND BLIND SCHOOL: Deaf and Blind School.

That there is hereby transferred from the appropriation for Deaf and Blind School—Other Operating Expenses, Fourteen Hundred Dollars, ($1,400.00) and re-appropriated to Deaf and Blind School—Salary of Bookkeeper, One Hundred Dollars ($100.00) and to Deaf and Blind School—Salary of Ranch Foreman and Matron, Fifty Dollars, ($50.00), and to Deaf and Blind School—Salaries of Physicians, Twelve Hundred Fifty Dollars, ($1,250.00).

ORPHANS' HOME: Orphans' Home.

That there is hereby transferred from the appropriation for State Orphans' Home—Other Operating Expenses, Ten Thousand Dollars, ($10,000.00) and re-appropriated to the Orphans' Home—Salaries of Teachers, Twenty Eight Hundred Dollars, ($2,800.00) and to Salaries of Matrons and Nurses, Eight Hundred Dollars, ($800.00), and to Salary of Engineers, Two Hundred Fifty Dollars, ($250.00) and to Salary of Other Employees, Sixty One Hundred Fifty Dollars, ($6,150.00).

BOARD OF EQUALIZATION: Board of Equalization.

That there is hereby transferred from the appropriations for the State Board of Equalization—Salary of Chief Clerk, One Hundred Twelve and 50/100 Dollars ($112.50), from Salary of Corporation License Tax Auditor, One Hundred Eighty-Five Dollars ($185.00), from Salary of Inheritance Tax Council, Nine Hundred Seventy-Five Dollars ($975.00), and re-appropriating the total of Twelve Hundred Seventy-Two and 50/100 Dollars ($1,272.50) to the appropriation for the Board of Equalization—Salaries of Other Employees.

Section 2. Provided further, that all appropriations contained herein shall be used for the purposes designated and for no other purpose.

HeinOnline -- 1929 147 1929

Section 3. Appropriations herein provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1929.

CHAPTER 91.

An Act to Amend Sections 8812 and 8813, Revised Codes of Montana of 1921, Relating to Judicial Districts and number of Judges Therein.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8812, Revised Codes of Montana, 1921, be, and the same is amended to read as follows:

Judicial districts defined.

Section 8812. **Judicial Districts Defined.** In this State there are seventeen Judicial Districts, distributed as follows:

First District: Lewis and Clark and Broadwater Counties.

Second District: Silver Bow County.

Third District: Deer Lodge, Granite, and Powell Counties.

Fourth District: Missoula, Mineral, Lake, Ravalli, and Sanders Counties.

Fifth District: Beaverhead, Jefferson, and Madison Counties.

Sixth District: Gallatin, Park, and Sweet Grass Counties.

Seventh District: Dawson, McCone, Richland, and Wibaux Counties.

Eighth District: Cascade and Chouteau Counties.

Ninth District: Teton, Pondera, Toole, and Glacier Counties.

Tenth District: Fergus, Judith Basin, and Petroleum Counties.

Eleventh District: Flathead and Lincoln Counties.

Twelfth District: Liberty, Hill and Blaine Counties.

HeinOnline -- 1929 148 1929

Thirteenth District: Yellowstone, Big Horn, Carbon, Stillwater, and Treasure Counties.

Fourteenth District: Meagher, Wheatland, Golden Valley, and Musselshell Counties.

Fifteenth District: Roosevelt, Daniels, and Sheridan Counties.

Sixteenth District: Custer, Carter, Fallon, Prairie, Powder River, Garfield, and Rosebud Counties.

Seventeenth District: Phillips and Valley Counties.

Section 2. That Section 8813, Revised Codes of Montana, 1921, be, and the same hereby is amended to read as follows:

Number of judges.

Section 8813. **Number of Judges.** In each Judicial District there must be the following number of Judges of the District Court, who must be elected by the qualified voters of the District, and whose term of office must be four years, to-wit: In the First, Second, Fourth, Eighth, Thirteenth and Sixteenth, two Judges each, in all other Districts one Judge each.

Effective when.

Section 3. For the purpose of electing District Judges at the general election to be held during the year 1932, and at the primary election preceding same, this Act shall be in full force and effect from and after its passage and approval, and at such general election District Judges in this State shall be elected in accordance and in compliance with the provisions of this Act and not otherwise.

Section 4. For all purposes other than those specified in the next preceding Section, this Act shall be in full force and effect on and after the first Monday in January, 1933, and until said first Monday in January, 1933, the Judicial Districts and District Judges in this State shall be and remain as heretofore provided in Section 3 of this Act.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 11, 1929.

HeinOnline -- 1929 149 1929

CHAPTER 92.

An Act to Amend Sections 2382 and 2383 of the Revised Codes of. Montana of 1921, As Amended by Chapter 150 of the Laws of 1923 and by Chapter 186 of the Laws of 1925 and by Initiative Measure No. 31, Laws of 1927; and Also to Amend Sections 2 and 3, Chapter 19 of the Laws of 1927: Being Sections 2396.2 and 2396.3 Respectively, of the Supplement to the Revised Codes of Montana 1923-1927, Requiring All Persons, Co-Partnerships, Firms, Associations, Joint Stock Companies, Syndicates and Corporations Engaged In, Or Carrying On, the Business in This State of Selling, Handling, or Using Gasoline, to Pay to the State Board of Equalization Certain License Taxes for Engaging In, and Carrying On Such Business in This State: Fixing the Amount of Such License Taxes and Providing a Method for the Assessment and Collection Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2382 of the Revised Codes of Montana of 1921, as amended by Chapter 150 of the Laws of 1923 and by Chapter 186 of the Laws of 1925 and by Initiative Measure No. 31, Laws of 1927, be, and the same is hereby amended to read as follows:

Distributor's license tax per gallon.

Section 2382. Every distributor shall pay for the year beginning April 1, 1929, and ending March 31, 1930, and each year thereafter until March 31, 1933, to the State Board of Equalization a license tax for engaging in and carrying on such business in this State in an amount equal to five cents (5c), and for each year after March 31, 1933, three cents (3c), for each gallon of gasoline refined, manufactured, produced or impounded by such distributor and sold by him in this State, or shipped, transported or imported by such distributor into and distributed and sold by him within this State, after it has arrived in and is brought to rest within this State, whether sold in the original packages or in the broken packages during such year, provided that all gasoline delivered by any distributor to any of his service stations in this State shall be deemed to have been sold and shall be treated and considered in computing such license tax in the same manner as though the same had been sold to dealers or to other persons. In making the computation of license tax due and

When computed.

HeinOnline -- 1929 150 1929

in making payment thereof, two per cent (2%) of the amount of such tax shall be deducted by the distributor as an allowance for evaporation and other loss of gasoline handled by such distributor. Loss.

Section 2. That Section 2383 of the Revised Codes of Montana of 1921, as amended by Chapter 150 of the Laws of 1923 and by Chapter 186 of the Laws of 1925 and by Initiative Measure No. 31, Laws of 1927, be, and the same is hereby amended to read as follows:

Section 2383. Every dealer shall, for the year beginning April 1, 1929, and ending March 31, 1930, and each year thereafter until March 31, 1933, when engaged in such business in this State, pay to the State Board of Equalization for the exclusive use and benefit of the State of Montana a license tax for engaging in such business in this State equal to five cents (5c), and for each year after March 31, 1933, three cents (3c), for each gallon of gasoline sold or distributed by such dealer in this State during such year, provided, however, that no gasoline sold by such dealer, which was purchased by him from a producer or distributor, who has paid the tax thereon, shall be included or considered in determining the amount of such license tax to be paid by such dealer, but only such gasoline as was shipped, transported or imported into this State and purchased by such dealer before it had arrived in and was brought to rest within this State and then re-sold by such dealer, whether in the original packages or in broken packages, shall be included or considered for the purpose of computing such license tax. In making the computation of license tax due, two per cent (2%) of the amount of such tax shall be deducted as an allowance for evaporation and other loss of gasoline handled by such dealer. Dealer's tax. Double taxation. Loss.

Section 3. That Section 2 of Chapter 19 of the Laws of 1927, the same being Section 2396.2 of the Supplement of the Revised Codes of Montana, 1923-1927, be, and the same is hereby amended to read as follows:

Section 2. **Gasoline Dealers' License Tax.** Every dealer shall pay to the State Board of Equalization a license tax for engaging in and carrying on such business in this State in an amount equal to five cents (5c) less the deduction hereinafter provided, for each gallon of gasoline handled by him in this State while engaging in such business, as hereinbefore defined for the time beginning April Gasoline dealers license tax.

HeinOnline -- 1929 151 1929

1, 1929 and ending March 31, 1933, and thereafter three cents (3c) less the deduction hereinafter provided, for each gallon of gasoline so handled; provided that all gasoline delivered or distributed by any dealer or to any of his service stations in this State, or to his or to any other motor vehicles operated or intended to be operated on or over the public roads or highways in this State, or delivered or distributed in any other manner, shall be deemed to have been handled while engaged in such business as dealer, as hereinbefore defined, and shall be treated and considered in computing such license tax in the same manner as though the same had been delivered or distributed to dealers or other persons; provided, further, that nothing herein contained shall impose any license tax, or require the payment of more than five cents (5c) prior to April 1, 1933, and three cents (3c) thereafter, per gallon as license tax upon any gasoline handled within the State of Montana, nor upon any such gasoline after having once been included in the computing of such license tax hereunder; and provided, further, that no such license tax shall be paid by any dealer on account of any gasoline moving in or on account of sale of gasoline constituting interstate or foreign commerce.

Section 4. That Section 3 of Chapter 19 of the Laws of 1927, the same being Section 2396.3 of the Supplement of the Revised Codes of Montana, 1923-1927, be, and the same is hereby amended to read as follows:

Tax statement rendered with payment.

Section 3. **Dealers' Statements—Amount of Tax.** Each dealer shall, not later than the fifteenth (15th) day of each calendar month, beginning with the next calendar month after this Act has become effective, render a true statement to the State Board of Equalization, duly signed and sworn to, of all gasoline handled by him in this State during the preceding calendar month, and containing such other information as the State Board of Equalization may require, and shall accompany such statement with the payment to the State Board of Equalization of a license tax, in an amount equal to five cents (5c) per gallon for each gallon of gasoline so handled for the time beginning April 1, 1929 and ending March 31, 1933, and thereafter in an amount equal to three cents (3c) per gallon for each gallon of gasoline so handled, and upon which such license tax was not paid by any other dealer in this State, for engaging in and carrying on such business in this State. In making the computation of license tax due and

HeinOnline -- 1929 152 1929

in making payment thereof, two per cent (2%) of the amount of such tax shall be deducted by the dealer as an allowance for evaporation and other loss of gasoline handled by such dealer. Any dealer engaged in or carrying on his business at more than one place or location in this State may include all such places of business in one statement.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after April 1, 1929.

Approved March 11, 1929.

CHAPTER 93.

An Act to Regulate the Dairy Industry in the State of Montana and to Govern the Operation of Creameries, Milk and Cream Buying and Collecting Stations, Butter, Cheese, and Ice Cream Factories and All Establishments Producing, Handling, Or Manufacturing Dairy Products; Defining the Terms Used in This Act; Designating the Powers and Duties of the Department of Agriculture, Labor and Industry in Relation to the Dairy Industry and the Enterprises Regulated by This Act; Governing the Operation of the Babcock Test and The Sampling and Inspection of Dairy Products: Regulating the Handling and Sale of Oleomargarine and Other Substitutes For Dairy Products and the Licensing of Persons Dealing Therein: Providing a Schedule of Licenses For Dairies, Creameries, Ice Cream Factories, Persons Collecting Milk or Cream, and All Other Establishments Handling Dairy Products: Defining the Process of Pasteurization, and Regulating its Use, and Requiring the Pasteurization of Milk and Cream Used By Creameries and in the Manufacture of Ice Cream: Regulating the Labeling of Dairy Product Containers: Making Certain Anti-monopoly Statutes of the State Applicable to Producers of Dairy Products: Providing Standards of Weight and Measure For Dairy Products: Regulating the Labeling of Imported Dairy Products: Providing For the Registration of Dairy Names and Trade Marks: Providing Penalties For the Violation of This Act and Repealing Sections 2620 to 2633, Both

HeinOnline -- 1929 153 1929

Inclusive, and Sections 3568 to 3572, Both Inclusive, of the Revised Codes of Montana of 1921; All of Chapter 35 of the Session Acts of the Eighteenth Legislative Assembly of 1923 Save and Except Section 11 of Said Act; Chapter 51 of the Session Acts of the Eighteenth Legislative Assembly of 1923; Chapters 153, 165, 166, 187, and 188 of the Session Acts of the Nineteenth Legislative Assembly of 1925, and Chapters 10, 136 and 142 of the Session Acts of the Twentieth Legislative Assembly of 1927, and All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Regulation of dairy industry.

Section 1. **Regulation of Dairy Industry:** The Department of Agriculture, Labor and Industry of the State of Montana, through its division of Farming and Dairying, shall have the general regulation of the industry of dairying in this State, including the regulation and sanitary inspection of all creameries, butter and cheese factories, milk or cream receiving stations, and ice cream factories. The sanitary inspection of dairies, milk plants, condensed milk factories and powdered milk factories shall be administered by the State Livestock Sanitary Board.

Enforcement of standards.

Section 2. **Enforcement of Standards:** The Department of Agriculture, Labor and Industry, shall enforce the laws of the State regulating the standards of all dairy products, except whole milk, skimmed milk, condensed or evaporated milk, whether made from whole milk or skimmed milk. The regulation of said standards above excepted shall be the duty of the Livestock Sanitary Board.

Statistics and extension work.

Section 3. **Statistics and Extension Work:** It shall be the duty of the Department of Agriculture, Labor and Industry to compile and publish statistics concerning all phases of the Dairy industry in the State and to encourage and advertise said industry in every possible manner. Said Department shall carry on a campaign of education in conjunction with the extension work of the College of Agriculture and Mechanic Arts for the purpose of encouraging interest in the dairy industry and of furnishing scientific and practical information concerning the same.

Definitions.

Section 4. **Definition of Terms:** For the purposes of this Act, the following definitions are hereby adopted:

Butter.

BUTTER is the clean, non-rancid product made by gathering in any manner, the fat of fresh ripened milk or

HeinOnline -- 1929 154 1929

cream into a mass which also contains a small portion of the other milk constituents, with or without salt, and contains not less than eighty per cent (80%) of milk fat, and not more than sixteen per cent (16%) water. Butter may also contain added coloring matter.

Renovated butter.

RENOVATED BUTTER OR PROCESS BUTTER is the product made by melting and re-working, without the addition or use of chemicals or any substances except whole milk, cream or salt, and contains not more than sixteen per cent (16%) of water and at least eighty per cent (80%) of milk fat.

Cheese.

CHEESE is the sound, solid, and ripened product made from milk or cream by coagulating the casein thereof with rennet or lactic acid, with or without the addition of ripening ferments and seasoning, and contains, in the water-free substance, not less than fifty per cent (50%) of milk fat. Cheese may also contain added coloring matter.

Skimmed milk cheese.

SKIMMED MILK CHEESE is the sound, solid and ripened product made from skim milk by coagulating the casein thereof with rennet or lactic acid, with or without the addition of ripening ferments and seasoning.

Ice cream.

(a) ICE CREAM is a frozen product made from pure cream and sugar, with or without a natural flavoring and pure gelatin and contains not less than ten per cent (10%) of milk fat.

Fruit ice cream.

(b) FRUIT ICE CREAM is a frozen product made from cream, sugar, and sound, clean, mature fruits, and contains not less than nine per cent (9%) of milk fat.

Nut ice cream.

(c) NUT ICE CREAM is a frozen product made from cream, sugar, and sound, non-rancid nuts and contains not less than nine per cent (9%) of milk fat.

(d) All ice cream shall contain not less than thirty-three per cent (33%) of total solids, and shall not contain to exceed one per cent (1%) gelatine.

Creamery.

CREAMERY. A creamery is a place where the milk or cream furnished by three or more persons, selling the same independently of each other, is used for manufacture into butter for commercial purposes.

Cheese factory.

CHEESE FACTORY. A cheese factory is a place where milk furnished by three or more persons, each selling the same independently of each other, is made into cheese for commercial purposes.

HeinOnline -- 1929 155 1929

Ice cream factory.

ICE CREAM FACTORY. An ice cream factory is any place where ice cream is made for sale, for thirty days or more in each year.

Buying and collecting stations.

MILK OR CREAM BUYING OR COLLECTING STATION. A milk or cream buying, or collecting station is any place where milk or cream is bought or collected for shipment or delivery to a creamery or to any person intending to make use of the same for commercial purposes.

Person.

PERSON. The term "person" as used herein shall include all persons, whether natural or artificial, including firms, co-partnerships or corporations.

Department.

DEPARTMENT. The term "Department" as hereinafter used shall, unless otherwise indicated, refer to the Department of Agriculture, Labor and Industry of the State of Montana.

Sampling and testing.

Section 5. **Sampling and Test of Dairy Products:** It shall be the duty of the Department to provide suitable means for the taking of samples of all dairy products and of all imitations thereof.

Said Department shall have the authority and it shall be its duty to take such samples from any person engaged in the handling, manufacture or sale of dairy products or imitations thereof, but the agent of the Department taking the same must at the time of such taking, pay or offer to pay for them at their full value, and if payment is accepted, such agent must take a receipt for the same from the person from whom the samples are obtained.

Rules of evidence in testing.

Section 6. **Test of Samples—Rules of Evidence.** The Department may require a chemist from the State Board of Health to test and analyze samples of dairy products taken by it. All such samples and the record of their analysis or test, when identified as to the sample of the record thereof by the oath of the officer taking the same, or when verified as to the analysis or test by the oath of the chemist making the same, shall be admissible in evidence in any Court of this State or in any prosecution for the violation of this Act or for the violation of any rule or regulation of the Department as prima facie evidence of the facts disclosed thereby.

Keeping of samples.

Section 7. **Keeping of Samples.** All persons purchasing milk or cream, for manufacture, sale or shipment, and paying for the same on the basis of the butter fat contained therein as determined by the Babcock Test, shall

HeinOnline -- 1929 156 1929

immediately upon receiving such milk or cream, take a representative sample thereof. If any of said milk or cream shall be left on hand at any milk or cream buying or collecting stations, the operator of such stations shall likewise take a representative sample of the same. Such samples shall not be less than two (2) ounces avoirdupois in weight and shall be immediately transferred to a clean and dry sample jar and properly sealed to prevent evaporation or the escape of any of the contents thereof. All samples taken shall be plainly marked or labeled and such mark or label shall be entered on the records of the purchaser to correspond with the name of the person from whom the purchase was made and such record shall also show the weight of the milk or cream, if any, left on hand after shipment is made. Such samples shall then be protected from extremes of heat and cold until five (5) o'clock P. M. of the following day, unless the next day be Sunday or any other holiday in which event the samples shall be held until five (5) o'clock P. M. of the next day following such holiday. During the period that samples are so held, after the making of the test by the person taking same, they shall be opened only in the presence of the Commissioner of Agriculture, Labor and Industry or his authorized agent.

Marking.

Where kept.

Section 8. **Licensing all Persons Collecting on Milk or Cream Routes.** No person shall hereafter engage in collecting milk or cream upon any established milk or cream route, for any creamery, cheese factory or milk or cream buying or receiving station, without first procuring a license from the Department of Agriculture, Labor and Industry.

Licenses for collectors.

A fee of Five Dollars ($5.00) shall be charged for each such license and for each annual renewal thereof. All such licenses shall expire on the 31st day of December of each year.

Fee.

Section 9. **Regulation of Persons Collecting Milk and Cream.** It shall hereafter be unlawful for any person regularly engaged in collecting milk or cream upon any established milk or cream route for any creamery, ice cream factory, cheese factory or milk or cream buying or receiving station, to sample such milk or cream for the purpose of testing for butter fat, or to transfer such milk or cream from one can or container to another while in transit, except in a creamery or in a room equipped in

Regulation for collectors.

HeinOnline -- 1929 157 1929

conformity with the requirements of this Act governing creameries or cream buying or receiving stations.

Babcock test.

Section 10. **Babcock Test—License and Operation.** The Babcock Test is hereby adopted as the official dairy test for use in the State of Montana. No person shall operate the Babcock Test in any creamery, cheese factory, or other place where milk or cream is bought and paid for on the basis of its fat content without first passing the examination and securing the license hereinafter provided for. Any person desiring to operate the Babcock Test at any of the places enumerated in this Section, shall apply to the Department of Agriculture, Labor and Industry for permission to take the Babcock Test Operator's examination. Such examination shall be given to the applicant by the Chief of the Dairy Division of the Department, or his representative. Upon passing said examination to the satisfaction of the examining official, the applicant shall be issued a license authorizing him to operate the Babcock Test in the State of Montana for a period of one year. A fee of Two Dollars ($2.00) shall be paid for each such original license and a fee of One Dollar ($1.00) for each renewal thereof. All such licenses shall expire on December 31st of each year.

License.

Operation.

Temporary permit.

Section 11. **Temporary Permit to Operate Babcock Test.** Any person who shall desire an immediate license to operate the Babcock Test before it is reasonably convenient for the Department to give the examination provided for in the preceding Section, may apply to the Department for a temporary permit to operate the Babcock Test, stating in his application what training or experience he has had in the use or operation of the same. The Department may thereupon in its discretion issue to the applicant a temporary permit to operate the Babcock Test, which shall entitle the holder to operate said Test pending the giving of the examination prescribed in the preceding Section. Application for such temporary permit shall be accompanied with a fee of Two Dollars ($2.00) which shall pay for the first regular Babcock Test Operator's license thereafter issued to such applicant. If applicant fails in his examination, or discontinues operation of Babcock Test before examination can be given, he forfeits fee of Two Dollars ($2.00) paid for such license.

Fee.

Failure.

Existing licenses.

Section 12. **Existing Licenses Continued.** All Babcock Test Operator's licenses issued by the department

HeinOnline -- 1929 158 1929

before the effective date of this Act shall remain in force and effect until December 31st, 1929, after which the holders thereof shall be required to procure licenses under the terms of this Act.

Revocation of license.

Section 13. **Babcock Test—Revocation of License.** The Commissioner of Agriculture, Labor and Industry is hereby authorized and empowered to revoke the license of any Babcock Test operator for failure to comply with the provisions of this Act or with any of the rules, or regulations of the Deparment relating to said Test. Any person who shall operate the Babcock Test in any of the places specified in this Act without first having the license required by this Act, or who shall operate said test after the revocation of said license, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Twenty-Five Dollars ($25.00) and not more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for not more than thirty days (30) or by both such fine and imprisonment.

Penalty.

Method of operation of Babcock test.

Section 14. **Babcock Test—Method of Operation.** The following is the method which shall be adopted as the standard for the operation of the Babcock Test for the State of Montana and shall be used by persons, firms, or corporations paying for milk or cream on the basis of the butter fat content of such commodity or commodities.

Testing milk.

TESTING MILK. The milk from which the sample to be tested is taken shall be thoroughly mixed by pouring from one vessel to another three (3) times. The sample to be tested shall consist of eighteen (18) grams by weight or seventeen and six-tenths (17-6/10) cubic centimeters, as measured in a standard pipette. The standard strength of the acid used for all testing of milk or cream shall be indicated by the specific gravity, which shall not be less than one and eighty-two hundredths, (1-82/100) nor more than one and eighty-three hundredths, (1-83/100) as determined by a standard hydrometer. After properly mixing the sample of milk and acid in the test bottle, centrifuging shall be for periods of five (5) minutes, two (2) minutes, and one (1) minute. After the first period of centrifuging, water shall be added, sufficient to fill the test bottle up to the base of the neck and after the second centrifuging, water shall be added sufficient to raise the fat in the neck of the test bottle to near the top of the graduation. The water used

HeinOnline -- 1929 159 1929

to fill the test bottles shall be at a temperature of one hundred and forty degrees (140°) Fahrenheit or more. After the last period of centrifuging, the test bottles shall be immersed in a bath prepared for the purpose, which shall consist of water at not less than one hundred and thirty degrees (130°) nor more than one hundred and forty degrees (140°) Fahrenheit, and they shall remain immersed for at least ten (10) minutes, and the temperature of the bath shall be kept between the temperature before named for the full period of immersion. The test shall be read immediately after the test bottles are taken from the bath. Dividers shall be used to determine the length of the fat column in the neck of the test bottles. The reading shall be from the bottom of the lower meniscus to the top of the upper meniscus of the fat column.

Testing cream.

TESTING CREAM. The method of testing cream shall be the same as for milk, except that all samples of cream tested shall be weighed by either the nine (9) or eighteen (18) gram method, and the reading of the fat column in the neck of the test bottle shall be from the bottom of the lower meniscus to the bottom of the upper meniscus. Glymol must be used to destroy the upper meniscus, and must be added just before reading, and the reading shall be from the bottom of the lower meniscus to the bottom of the glymol on the top of the fat column.

Factory registration.

Section 15. **Registry of Location Dairy Product Factories.** No persons shall operate any creamery, cheese factory, ice cream factory or milk or cream buying or collecting station or any other manufactory or establishment for the making or shipment of dairy products, without first registering the location of his place of business, and the name of the owner or manager, with the Commissioner of Agriculture, on or before the first (1st) day of April each year. Failure to comply with the requirements of this Section shall constitute a misdemeanor and shall subject the offender to the penalties provided by the general law of the State for the punishment of misdemeanor.

Creamery licenses.

Section 16. **Licensing of Creameries, Etc.** It shall be unlawful for any person to operate or carry on any creamery, butter factory, cheese factory or ice cream factory without first securing a license from the Department, which license shall expire on the 31st day of December of the year in which it is issued. All licenses which hereto-

HeinOnline -- 1929 160 1929

fore have been issued by the Department to any of the establishments named in this and the following Section, shall remain in force until their expiration, and the holder thereof shall not be required to procure a new license under the terms of this Act until the expiration or revocation of such former license. The following schedule of license fees shall be charged by the Department for all licenses issued under this Section:

Schedule of fees.

Creameries and cheese factories manufacturing one hundred thousand pounds (100,000 lbs.) or less of product a year, Twenty Dollars ($20.00). An addition of Five Dollars ($5.00) shall be made to the fee for any such license for each one hundred thousand pounds (100,000 lbs.) or any fraction thereof annually produced in excess of the first one hundred thousand pounds (100,000 lbs.).

One thousand (1,000) gallons or less of product a year, Five Dollars ($5.00). Those producing more than one thousand (1,000) gallons and less than ten thousand (10,000) gallons of product a year, Twenty Dollars ($20.00). An addition of Five Dollars ($5.00) shall be made to the fee for any such license for each ten thousand (10,000) gallons or fraction thereof annually produced in excess of the first ten thousand (10,000) gallons.

The total year's production of the applicant for a year immediately preceding the application for a license shall determine the amount of any license required by this Section.

Cream buying station's license.

Section 17. **Licensing of Milk and Cream Buying Stations.** It shall be unlawful for any person to operate or carry on any milk or cream buying or collection station without first securing from the Department an annual license to do so, which said license shall expire on the 31st day of December of each year.

Fees.

The following schedule of fees shall be charged by the Department for all such licenses:

All stations handling less than one thousand five hundred pounds (1,500 lbs.) of butterfat per month, Five Dollars ($5.00); all stations handling one thousand five hundred pounds (1,500 lbs.) or over per month and less than three thousand pounds, (3,000 lbs.) Ten Dollars ($10.00); all stations handling three thousand pounds (3,000 lbs.) or over per month and less than six thousand pounds (6,000 lbs.) Fifteen Dollars ($15.00); all stations handling six thousand pounds (6,000 lbs.) or more per

HeinOnline -- 1929 161 1929

month, Twenty Dollars ($20.00). In computing the annual license to be paid under this Section, the highest month's business of such station during the year immediately preceding the application for such license shall determine the amount of the fee.

Revocation of license.

Section 18. **Licenses—Revocation:** All licenses issued by the Department under this Act may be revoked by the Commissioner of Agriculture, Labor and Industry of the State whenever the holder of such license shall fail to comply with the laws of the State of Montana relative to the conducting of his place of business under such license or whenever he shall fail to conduct said establishment in an orderly or sanitary manner. If any person whose license has been so revoked by the Commissioner shall thereafter continue to conduct or carry on said place of business without a license, he shall be deemed guilty of a misdemeanor and shall be subject to the penalties in this Act hereinafter provided.

Reports of factories.

Section 19. **Reports of Factories.** It shall be the duty of every person operating a creamery, cheese factory, ice cream factory, or milk or cream buying or receiving station in this State, to render to the Department once a month and not later than the tenth day of each month, a full report of the amount of butter, cheese, ice cream or other dairy products handled or manufactured during the preceding month. Any person failing to render the report required by this Section or failing to make said report when the same is due, shall be guilty of a misdemeanor and subject to the penalties hereinafter provided for the violation of the provisions of this Act.

Failure and penalty.

Section 20. **Location and Construction of Creameries and Cheese Factories and Ice Cream Factories.** The location of creameries, cheese factories, and ice cream factories, shall be subject to the following regulations:

Regulations for factory locations.

(a) They must be located at least fifty (50) feet from any building or establishment which would constitute an outside, contaminating influence.

(b) They shall not be located within two hundred (200) feet of any hog pen or corral.

(c) They shall be equipped with a steam boiler large enough to furnish sufficient steam and hot water to thoroughly wash and sterilize all equipment and utensils. The boiler must be kept in a room separate from the rest

HeinOnline -- 1929 162 1929

of the plant, provided, however, that this clause does not apply to ice cream factories producing one thousand (1,000) gallons or less per annum.

(d) The floors of the part of the establishment where butter, cheese, or ice cream are manufactured or stored, must be of concrete, and so constructed that they can be thoroughly washed and drained.

(e) The plant must be connected with a sewer or with a pipe which shall convey the waste water under-ground to a point not less than fifty (50) feet from the building.

(f) The plant must be well ventilated and must be provided with windows, containing at least ten (10) square feet of glass for each one hundred (100) square feet of floor space. Between May 1st and November 1st of each year, screen doors shall be provided and used on all outside doorways. During said time screens shall be provided and used on all open windows.

(g) The buildings and equipment must be of such a character that the dairy products manufactured or kept therein shall be preserved in first class, sanitary condition.

(h) Meat or other products must not be stored in the same room with dairy products, if it can be shown unsanitary.

A violation of any provisions of this Section shall constitute a misdemeanor and shall be punishable as hereinafter provided.

Preliminary permit.

Section 21. **Preliminary Permit to Operate New Enterprise.** Whenever any person shall desire to commence the operation of a creamery, cheese factory, ice cream factory or milk or cream buying or receiving station, he shall give notice of such intention to the Department before starting such enterprise, accompanied by a general statement as to the nature and equipment of the proposed plant. The Department shall investigate such proposed enterprise and if satisfied that the same is or will be operated in compliance with the requirements of law and the rules of the Department relative to the same, shall grant the applicant a permit to carry on the same. No person shall commence any such operations without such permit. A violation of the provisions of this Section shall be a misdemeanor and shall be punishable by a fine of not less than Ten Dollars ($10.00) nor more than Five Hundred Dollars ($500.00).

Violation and penalty.

HeinOnline -- 1929 163 1929

Regulations for stations.

Section 22. **Regulation of Milk and Cream Stations.** On and after the effective date of this Act the following regulations shall apply to all stations within the State of Montana where milk or cream is bought or collected for shipment or sale;

The room in which any such station is operated shall contain floor space enough for all necessary equipment in said station, including a cooling tank of sufficient size to hold all cream bought or collected at such station on each day.

All such stations collecting more than one thousand five hundred pounds (1,500 lbs.) of butterfat per month shall be equipped with a steam boiler of sufficient capacity to furnish enough steam to thoroughly sterilize all milk and cream cans received at such station. No stove or heating apparatus other than a steam boiler shall be used to heat water with which to cleanse utensils used in a cream station collecting more than one thousand five hundred pounds (1,500 lbs.) of butterfat per month. The provisions of this Section, however, shall not apply to forwarding stations in which no testing for butterfat is made.

Regulations of cheese factories.

Section 23. **Regulation of Cheese Factories.** All cheese factories must be equipped with sanitary whey tanks which shall be built upon a cement base or floor and shall be elevated a sufficient distance above the floor to permit a wagon or truck driving alongside or underneath the same for the purpose of filling by gravity. Whey tanks must be located not less than fifty (50) feet from the factory and must be equipped with a steam or hot water pipe for use in pasteurization. All whey shall be pasteurized and the tank shall be properly cleaned after use. All whey delivered to any person must be pasteurized at a temperature of not less than one hundred and forty-five degrees (145°) Fahrenheit and held for thirty (30) minutes.

Location of buying and receiving stations.

Section 24. **Location of Milk and Cream Buying and Receiving Stations.** All milk and cream buying and receiving stations shall be located on well drained ground at least fifty (50) feet from any outside contaminating influence. If within a building where any other business is conducted it shall be separated from the other rooms of the building by a tight wall or walls and if there is an opening for passage between the room used as the station

HeinOnline -- 1929 164 1929

and the rest of the building, there shall be two doors, one at each end of a vestibule or entry which shall be at least six feet in length. The doors shall be of wood, or wood and glass, and sufficient to keep all odors or dust from entering the station from any other part of the building. No station for the purpose of purchasing, storing, or handling milk or cream shall be situated inside of, nor within fifty feet of any blacksmith shop, garage, grain elevator, livery stable, or any other building, corral, hog-pen, or other place which can be denominated a contaminating influence; nor shall any oil, gasoline, or any other liquid or substance of a contaminating nature be kept within fifty feet of such station. The room used, shall not be used for any purpose other than a milk or cream receiving station and shall at no time contain anything except milk or cream received there, the cans or other receptacles in which it is shipped, and such furniture and equipment as may be necessary to efficiently conduct the business of such station. No gasoline engine shall be used or kept inside the room where the milk or cream is stored or kept. The engine or boiler shall be kept in a room partitioned off from the room where the milk or cream is stored or kept. A sanitary sink or tank with suitable drain shall be provided, in which to wash cans and other utensils used in conducting the business of the station; and a waste jar in which to empty the contents of the test bottles after the testing has been completed shall also be used. Dogs, cats, or other animals shall not be permitted to enter the room where the milk or cream is stored, and pieces of screen secured by hoops or other devices, shall be used on the tops of the cans containing milk or cream while in storage, to prevent mice, insects or dirt from falling in. The floor of the room where the milk or cream is kept or stored, shall be of cement or concrete, with a drain which shall be connected with a sewer, or with a pipe which shall convey the waste water underground to a point not less than fifty feet from the station. It shall be provided with windows containing at least ten square feet of glass for each one hundred square feet of floor space. Between May 1st and November 1st of each year, screen doors shall be provided and in use on all outside doorways, and during that time screens shall be on all windows in the room. There shall be provided a cooling tank, large enough to hold all of the cream or milk received or stored, and in which there shall be at all times an amount

HeinOnline -- 1929 165 1929

of cold running water, or ice water, sufficient to thoroughly cool all milk or cream stored there. There shall be provided a steam boiler large enough to furnish sufficient steam to thoroughly sterilize cans; and all cans in which milk or cream is received shall be thoroughly washed in clean water with a sterilizing or cleansing powder added, and either sterilized with live steam or scalded with boiling water before being returned to the patron. A rack shall be provided on which cans not immediately returned to the patron shall be inverted for the purposes of drying and airing, after being sterilized by steaming and scalding.

Sanitary control of dairy products.

Section 25. **Sanitary Control of Dairy Products.** Acting upon the report of an inspector, the Commissioner of Agriculture or his authorized agent, may order any creamery, ice cream factory, cheese factory, or cream station found to be not kept in a sanitary condition, to be closed; and it shall be closed forthwith and kept closed until such time as the Department shall find that the sanitary conditions of such creamery, ice cream factory, cheese factory or cream station, are satisfactory. Any person or persons operating any creamery, ice cream factory, cheese factory, or cream station, before receiving notice from the Commissioner of Agriculture, or his authorized agent to open the same, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than Twenty-five Dollars, nor more than Two Hundred and Fifty dollars, or by imprisonment in the county jail for not less than ten days, nor more than thirty days, or by both such fine and imprisonment. In addition to such fine or imprisonment, any person or persons operating any creamery, ice cream factory, cheese factory, or cream station after receiving notice from the Commissioner of Agriculture, or his authorized agent, to close the same, and before receiving notice from the Commissioner of Agriculture, or his authorized agent, permitting opening of the same, shall pay an additional fine of Twenty-five Dollars for each day such creamery, ice cream factory, cheese factory or cream station is illegally operated. The Commissioner of Agriculture or any of his authorized agents shall have the right to enter any creamery, dairy, barn or farm building, factory, building, store, receiving station, railroad depot, express office or other place where dairy products, or substitutes therefor, are produced, manufactured, sold or kept in storage

HeinOnline -- 1929 166 1929

or while in transit from one place to another, for the purpose of inspection of such dairy products or substitutes for the same, or to obtain samples of the same for testing or analysis. It is expressly provided that such products shall include all butter, cheese, ice cream, and other dairy products, all substitutes for dairy products and all substances made in imitation of the same, except whole milk, skimmed milk, evaporated or condensed milk or powdered milk or any product of which the word "milk" either alone or in connection with any other word or words is used to designate the same, or any liquid or substances made or sold or offered for sale as a substitute for, or made in imitation of the same.

Books open for inspection.

Section 26. **Books of Certain Factories to be Kept Open.** Operators of all co-operative butter, cheese, and condensed milk factories shall keep their books open for inspection of any patron at all times, showing the daily amounts of milk and cream received, and the per cent and amount of fat in the milk and cream received from each patron, and the amounts of cream sold, and butter, cheese, or condensed milk manufactured daily. Every facility shall be offered to the patron for keeping himself informed in regard to the business of the butter, cheese and condensed milk factory, and checking up his daily product with his return.

Regulation foreign dairy products.

Section 27. **Sanitary Regulation of Foreign Dairy Products.** All milk, butter, cheese, condensed milk, ice cream or other dairy products shipped into Montana for sale or use must be produced under the same sanitary regulations and requirements as those governing the production of the same in this State. The Commissioner of Agriculture shall have the authority to require a sworn statement from any persons shipping dairy products into the State of Montana as to the sanitary conditions under which the same were produced and unless such products are shown to have been produced under similar or equivalent sanitary conditions to those required by the laws of this State, they shall not be sold, given away, transported or used in the State of Montana.

Regulation for cans.

Section 28. **Regulation of Use and Loaning of Cans.** Every person, delivering milk, cream or ice cream to any other person in cans or other containers shall keep such cans or other containers at all times free from filth, rust

HeinOnline -- 1929 167 1929

or other deleterious substance and in a clean and wholesome condition for holding such content.

Every person receiving milk, cream or ice cream at the place of destination in cans or other containers which are to be returned to the shipper or seller, shall cause such cans or other containers to be thoroughly cleansed and immediately returned after being emptied. The term "place of destination" as used in this Section shall include both the final consignee of any milk, cream or ice cream, and also any receiving station or other agent or handler by whom such commodity is transferred from the original containers thereof.

No creamery, cheese factory, ice cream factory or other dairy enterprise shall furnish their patrons with cans for the use of such patrons in bringing milk or cream to such creamery, factory, or plant. A violation of the provisions of this Section shall be a misdemeanor and punishable as hereinafter provided.

Standard measures.

Section 29. **Standard Measures for Dairy Products.** The standard measure, or capacity for milk shall be the gallon containing two hundred thirty-one cubic inches, the half gallon shall contain one hundred fifty and five-tenths cubic inches, and the quart one fourth as much as the gallon, and the pint one half as much as the quart.

Standard butter measure.

Section 30. **Standard Butter Measure.** The standard measure for the sale of butter and cheese in the State of Montana shall be sixteen ounces (avoirdupois weight) to the pound when wrapped or put in container, exclusive of the wrapper or container. Where weight and measure are stated in pounds or ounces, they shall be exclusive of the wrapper or other container, and each pound shall contain sixteen (16) ounces, each ounce four hundred and thirty-seven and one-half (437½) grains. All packages of butter weighing less than sixteen (16) ounces avoirdupois, shall be of a net weight which is a binary submultiple of sixteen (16) ounces, which is eight (8) ounces, four (4) ounces, or two (2) ounces. Any person, persons, firm or corporation selling or offering for sale, any article of dairy products as a pound, or any multiple thereof, the net weight of which is less than sixteen (16) ounces, or the proper multiple thereof, to represent the number of pounds sold or offered for sale, shall be guilty of a misdemeanor, provided a reasonable variance be permitted, and that tolerance shall be established by

HeinOnline -- 1929 168 1929

rules and regulations made by the Commissioner of Agriculture, in accordance with the provisions of this Act.

Makers name on package.

Section 31. **Makers Name to Appear on Package.** All butter sold in the State of Montana, whether manufactured on a farm or in a creamery, must have the maker's name clearly written or printed in a conspicuous place on the outside of the package in which it is sold, and upon each pound package of butter so sold or offered for sale, the words "net weight," "sixteen ounces" or "net weight one pound," shall appear.

Regulation of imitation butter.

Section 32. **Imitation Butter—Regulation of.** Hereafter the word "butter" shall not be printed or used, either alone or in conjunction with any other word or words upon any carton, package, or other receptacle containing any substitute for butter, such as margarine or any other substance not made entirely from milk fat. No person shall manufacture or sell or expose for sale any substance made of vegetable or animal fats or oils (not from milk or cream) colored in imitation of butter or in any shade of yellow.

All products made and sold or exposed for sale as butter substitutes, and made either wholly or partly from any fat or oil other than from pure unadulterated milk or cream shall have plainly marked, stamped or labeled on every package, so made, sold, or exposed for sale, in plain, black, bold-faced letters, one half (½) inch high, the word "Oleomargarine." Hotels or restaurants using imitation butter or renovated butter, shall place placards, plainly legible from all parts of the dining room marked "Oleomargarine" or "Renovated Butter" (as the case may be) "used here."

Oleomargarine.

All oleomargarine or other substitutes for butter, and all renovated or process butter or patent butter, made or sold or offered for sale, shall have the name of the manufacturer plainly stamped or printed in a conspicuous place on the outside of the carton or package in which it is contained.

Extraneous fats forbidden.

Section 33. **Use of Extraneous Fats Forbidden.** No person shall manufacture, mix or compound with or add to natural milk, cream, or butter any animal fats or animal or vegetable oils, nor make nor manufacture, any oleaginous substance not produced from milk or cream, with the intent to sell the same as butter or cheese made from unadulterated milk or cream, or have the same in

HeinOnline -- 1929 169 1929

his possession with such intent; nor shall any person solicit orders for same or offer for sale, nor shall any such article or substance or compound so made or produced be sold as or for butter or cheese, the product of the dairy.

Sale of dairy products containing extraneous fats.

Section 34. **Same—Regulation Sale Dairy Products Containing Extraneous Fats.** It shall be unlawful for any person, firm, or corporation, by himself, his servant or agent, or as the servant or agent of another to manufacture, sell or exchange, or have in possession with intent to sell or exchange, any milk, cream, skim milk, butter milk, condensed or evaporated milk, powdered milk, condensed skim milk, or any of the fluid derivatives of any of them to which has been added any fat or oil other than milk fat, either under the name of said products or articles or the derivatives thereof or under any fictitious or trade name whatsoever. Nothing in this Section shall be construed to prohibit the shipment into this State from a foreign state and the first sale thereof in this State in the original package intact and unbroken, of any of the products or articles, the manufacture, sale or exchange of which or possession of which, with intent to sell or exchange is prohibited hereby.

Renovated butter.

Section 35. **Renovated Butter.** No person shall sell any butter made by taking original packing stock or other butter, or both, and melting the same and drawing off or extracting the butter fat and mixing such fat with skimmed milk or cream, or other milk products, and rechurning or re-working such mixture; or any butter product by any process commonly known as boiled process, or renovated butter, unless the words "Renovated Butter" shall be plainly branded with bold-faced letters, at least one-half (½) inch in length, on top and sides of such receptacle, package, or wrapper in which it is kept or sold. And if such butter is exposed for sale uncovered, and not in a receptacle, package or wrapper, then a placard containing the words "Renovated Butter" shall be attached, printed in style and manner as aforesaid, to the mass of butter in such a manner as to be easily seen and read by purchasers; and in addition to such markings, the seller shall, at the time of sale, stamp the package with the words "Renovated Butter" in letters at least one-half inch (½) in height.

HeinOnline -- 1929 170 1929

Patent butter.

Section 36. **Patent Butter.** No person shall sell as pure butter any substance in which an abnormal quantity of casein or other ingredients has been incorporated.

Imitation filled and cottage cheese.

Section 37. **Imitation or Filled Cheese — Cottage Cheese.** No person shall manufacture, deal in, sell, offer, or expose for sale, or exchange as cheese, any article or substance in the semblance of or imitation of cheese, made exclusively of unadulterated milk or cream, or both, into which any animal, intestinal, or offal fats or oils, or melted butter in any condition or state of modification of the same, or oleaginous substance of any kind not produced from unadulterated milk or cream, shall have been introduced.

Coloring in oleomargarine.

Section 38. **Prohibiting use of Coloring Matter in Oleomargarine.** No person shall coat, powder, or color with annato or any coloring whatsoever, butterine, or oleomargarine, or any compound of the same, or any product or manufacture made in whole or in part from animal fats or animal and vegetable oils not produced from unadulterated milk or cream by which means such product, manufacture or compound shall resemble butter or cheese, the product of the dairy; nor shall he have the same in his possession with the intent to sell, nor shall he sell or offer the same for sale.

Poisonous coloring in dairy food.

No person or persons shall manufacture, sell, or expose for sale any poisonous coloring matter for coloring of dairy food products of any kind, nor shall any person or persons use in dairy products any poisonous coloring matter manufactured, sold, offered, or exposed for sale, within the State, nor shall any person or persons sell, offer or expose for sale any dairy food product containing such poisonous coloring matter.

Regulation of oleomargarine advertising.

Section 39. **Regulating Oleomargarine Advertising.** It shall be unlawful for any person in connection with the sale, advertisement, or offering for sale of oleomargarine or any other substance intended to be used as a substitute for butter, and which substance is made wholly or in part from animal or vegetable fats other than the fat of pure milk or cream, to use the words "dairy," "creamery," "butter," "cream," or any picture of a cow or cows or the name of any breeds of cattle. A violation of the provisions of this section shall constitute a misdemeanor and shall subject the offender on conviction to a fine of not less than Fifty Dollars ($50.00) and not more than Five

HeinOnline -- 1929 171 1929

Hundred Dollars ($500.00) or to imprisonment for not less than thirty days (30) nor more than six months (6), or to both such fine and imprisonment.

Licenses for oleomargarine dealers.

Section 40. **Oleomargarine Dealers' Licenses.** It shall hereafter be unlawful for any person, firm or corporation, by himself, his or its servant or agent, to sell, exchange, offer for sale, or have in possession with intent to sell or offer for sale or exchange, any oleomargarine, imitation or filled cheese or any substitute for any dairy product made from milk or cream, without first securing a license from the Department of Agriculture, Labor and Industry of the State of Montana to conduct such sale or exchange. The fee for such license shall be Two Hundred Fifty Dollars ($250.00) per quarter for a license to sell at wholesale, and Seventy Five Dollars ($75.00) per quarter for a license to sell at retail. Said license shall be payable at the beginning of each quarter of the calendar year, or whenever application for license is made, and the license shall be issued to cover the following quarterly period, or such part of it as is unexpired at the time the license is applied for. All persons selling, handling or dealing in oleomargarine, imitation or filled cheese, or any substitute for any dairy product, shall make a quarterly report to the Department showing the number of pounds of such product sold or disposed of by such person during the preceding three months. The license required by this Section shall not be renewed until said statement has been filed by the applicant for such license. Said license shall be posted in a conspicuous place in each store or place of business of the licensee for the inspection of the public and may be revoked by the Commissioner of Agriculture for failure of the holder thereof to comply with the laws of the State of Montana. Whenever any person, firm or corporation, by himself, his or its servant or agent, or as the agent or servant of another, conducts such sale or exchange in more than one place of business, a separate license shall be obtained for each place of business and a separate fee shall be paid for each such license.

Violation and penalty.

Section 41. **Penalty.** Any person, firm or corporation violating any of the provisions of the preceding Section shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than One Hundred Dollars ($100.00) and not more than Five Hundred Dollars ($500.00) or by imprisonment in the County Jail for not

HeinOnline -- 1929 172 1929

less than thirty days (30) nor more than six months (6), or by both such fine and imprisonment.

Regulation of sale of skimmed milk.

Section 42. **Skimmed Milk—Regulation of Sale.** Milk from which cream has been removed, if such is otherwise wholesome and unadulterated, may be sold as such to makers of skim milk cheese or other manufacturers or to a consumer as hereinafter defined; but in the latter case only from vessels legibly marked with the words "Skimmed Milk" in plain black letters upon a light colored background and each letter being at least one inch (1) high and one-half (½) inch wide, and said words being placed on the top or side of each vessel. These requirements, however, shall not apply to skimmed or separated milk delivered to any patron of the creamery who regularly sells whole milk to the proprietor thereof, but all skimmed milk so delivered shall first be pasteurized at a temperature of at least one hundred and forty-five degrees (145°) Fahrenheit and held for thirty minutes (30) before it is returned to the patrons.

Adulterated milk, regulations.

Section 43. **Adulterated Milk—Regulations—Labeling of Cans.** No person shall sell or exchange, or offer or expose for sale or exchange, as milk or cream, any unclean, impure, adulterated, or unwholesome milk or cream, or unclean, impure, adulterated, colored, or unwholesome milk or cream, or sell or exchange or offer or expose for sale or exchange, any such substance in imitation or semblance of milk or cream, which is not milk or cream, nor shall he sell or exchange or offer or expose for sale or exchange, any such substance as and for milk or cream or sell or exchange, or offer or expose for sale or exchange, any article of food, made from such milk or cream, or any article of human food manufactured from any such milk or cream.

Any person delivering milk or cream to any butter or cheese factory, condensed milk gathering station, or railway station, to be shipped to any city, town or village, shall be deemed to expose or offer the same for sale whether the said milk or cream is consigned to himself or another. Each and every can thus delivered, shipped, or consigned, if it be not pure milk or cream, must bear a label or card upon which shall be plainly and legibly stated the constituents or ingredients of the contents of the can. There shall be no limit to the percentage of fat contained in unadulterated milk or cream sold to

Labels on cans.

HeinOnline -- 1929 173 1929

creameries for the sole purpose of manufacture into butter.

Pasteurization defined.

Section 44. **Pasteurization Defined.** The terms "Pasteurization," "Pasteurized," "Pasteurize," and similar terms shall be taken to refer to the process of heating every particle of milk or milk products, for the elimination therefrom of organisms harmful to human beings, which process shall consist of one of the two following methods:

(a) Uniformly heating such milk, skim milk or cream, as the case may be, and holding the same at a minimum temperature of one hundred and forty-five degrees (145°) Fahrenheit for a period of not less than thirty minutes or more than one hour.

(b) The flash method which consists of heating such milk, skim milk or cream to a temperature of at least one hundred and eighty-five degrees (185°) Fahrenheit.

Creameries to pasteurize milk.

Section 45. **Creameries to Pasteurize Milk.** All milk or cream used in any creamery within the State of Montana for the purpose of being made into butter for sale or other commercial purposes, shall be pasteurized by one of the two methods required in this Act. A creamery is defined as a place where the milk or cream from three or more herd of cows, owned and kept independently of one another, is used for making butter for sale or other commercial purposes.

Pasteurization of ice cream in factories.

Section 46. **Ice Cream Factories to Pasteurize Milk and Cream.** All milk or cream used in the manufacture of ice cream made for sale within the State of Montana shall be pasteurized before being made into such ice cream and all butter used in the manufacture of ice cream made for sale, shall be made from pasteurized materials. The methods of pasteurization employed shall be one of the two methods required in this Act.

Exception.

It is provided, however, that ice cream may be made without pasteurization and sold, when all milk or cream used in its manufacture is from cows that have been tuberculin tested within one year preceding the date of such manufacture and found to be non-reacting, and when all other requirements of the laws of the State of Montana have been complied with. That in each and all places within the State of Montana where ice cream is sold, and the provisions of this Act have been complied with, a notice issued under the authority of the Division of Farm-

HeinOnline -- 1929 174 1929

ing and Dairying of the State Department of Agriculture, Labor and Industry and counter-signed by the Chief of said Division of Farming and Dairying, shall be posted in a conspicuous place, informing the public that the ice cream sold or offered for sale there is made from pasteurized materials, or from milk or cream from tuberculin tested and non-reacting cows as the case may be.

Pasteurization apparatus and records.

Section 47. **Pasteurization Apparatus and Records.** All apparatus used for the pasteurization of milk, skim milk or cream shall be kept in strictly clean and sanitary condition and every pasteurizing plant shall be equipped with sufficient recording thermometer devices to accurately record the temperature to which, and the length of time for which the pasteurized product has been heated. All recording thermometer devices used in the pasteurization of any milk, skim milk or cream must be approved by the Department. Any person using pasteurizing apparatus within the State of Montana, shall date, preserve, and keep on file for a period of not less than two months after the same are made, all records made by such thermometer, or in lieu of such preservation may deliver such records to any public officer authorized by law or ordinance to receive the same, and said records shall, at all times be open to the inspection of said department, the State Board of Health, the Livestock Sanitary Board, and all other State, county and municipal officers charged with the enforcement of laws and ordinances respecting dairy products or the public health.

Advertising on containers.

Section 48. **Pasteurization Advertising on Containers.** It shall be unlawful for any person, firm or corporation by himself, or itself, or by his or its servant, agent or employee, to sell, offer for sale, or exchange, or have in his or its possession for sale or exchange, any milk, skim milk, cream, butter, or ice cream in any container or package, marked, labelled, or in any other way designating the contents thereof as "pasteurized", unless the same has been treated by such a process of pasteurization as is required by the laws of the State of Montana, or has been made from pasteurized materials.

Violation and penalty.

Section 49. **Penalty.** Any person, firm or corporation who either directly or indirectly, or by his or its servant, agent or employee, shall violate any of the provisions of the preceding five sections of this Act, shall be deemed guilty of a misdemeanor, and shall be punished by a fine

HeinOnline -- 1929 175 1929

of not less than Twenty-five Dollars ($25.00) nor more than Two Hundred Dollars ($200.00) or by imprisonment in the County jail for not less than ten days nor more than sixty days, or by both fine and imprisonment.

Regulation and labeling of imported dairy products.

Section 50. **Regulation and Labeling of Imported Dairy Products.** Every person, company, or corporation selling or offering for sale in the State of Montana such food products as eggs, butter, or any dairy products, imported from foreign countries, shall affix by pasting upon such food products sold or offered for sale, or upon the case or package in which such food products may be contained, a label upon which shall be printed the name of the Country or Countries from which such product has been imported, the date when shipped, and the date when received by the person, company, or corporation selling or offering same for sale.

Registry of names and trade marks.

Section 51. **Registry of Names and Trade Marks.** When any dealer in dairy products wishes to retain for himself a name, brand or trade mark, the same may be registered with the State Department of Agriculture, Labor and Industry, and on no account shall that name, brand or trade mark be used by another, unless duly consigned, given or sold to him by the originator or by the one to whom it belongs.

Other licenses.

Section 52. **Other Licenses for Producers of Dairy Products.** The provisions of this Act relative to the issuance of licenses have reference only to such licenses as are required to be procured from the Department of Agriculture, Labor and Industry of the State of Montana. Nothing herein contained shall be deemed to repeal Section 3282 of the Revised Codes of Montana as amended by Chapter 35 of the Session Acts of the Eighteenth Legislative Assembly of Montana of 1923, pertaining to the issuance of licenses by the Livestock Sanitary Board of Montana to the several producers of dairy products enumerated in said Act.

Applications of anti-monopoly statutes.

Section 53. **Anti-Monopoly Statutes Made Applicable To Producers of Dairy Products.** The provisions of Section 10904 to 10911 inclusive, of the Revised Codes of Montana of 1921, including all Acts amendatory thereof, relating to monopoly in the purchase or sale of commodities and products in general use, are hereby expressly made applicable to all persons, firms, co-partnerships and corporations engaged in the business of buying milk,

HeinOnline -- 1929 176 1929

cream or butter fat for the purpose of manufacture, who shall violate any of the provisions of said sections or any of them. All milk, cream, butter fat, butter, cheese, ice cream and other dairy products are hereby declared to be commodities and products in general use within the meaning of the sections aforesaid.

Interference with officers.

Section 54. **Penalty for Interference with Officers of Department.** It shall be unlawful for any person or persons to in any manner interfere with any duly authorized officer, agent or inspector of the Department of Agriculture, Labor and Industry of the State of Montana in the making of any of the inspections or in the taking of any of the samples required to be made or taken by such officer, agent or inspector under the terms of this Act, providing such inspection is made by the officer during normal business hours, Sundays and Holidays included.

No person owning, operating, or in charge of any creamery, factory, store, or other place of business which is subject to inspection or entry by an officer, agent or inspector of said Department for the performance of any of the duties enjoined on such officer, agent or inspector by this Act, shall refuse to allow said entry or inspection by said officer, agent or inspector, nor in any manner obstruct the same. A violation of the provisions of this section shall constitute a misdemeanor and shall subject the offender to a fine of not less than Fifty Dollars ($50.00) and not more than Five Hundred Dollars ($500.00) or to imprisonment in the County jail for not less than one nor more than thirty days or to both such fine and imprisonment.

Violation and penalty.

Penalties for violation of act.

Section 55. **General Penalties for Violation of Act.** Any person who shall violate any of the provisions of this Act, or who shall fail to comply with the regulations prescribed in this Act, or who shall fail or neglect to obey any lawful order of the Department of Agriculture, Labor and Industry of the State of Montana or the Commissioner or any other officer thereof, made pursuant to the authority of this Act, shall be deemeed guilty of a misdemeanor and shall, unless a specific penalty is otherwise provided in this Act for such offense, be punished by a fine of not less than Twenty-five Dollars ($25.00) and not more than Five Hundred Dollars ($500.00) or by imprisonment in the County jail for not to exceed six months, or by both such fine and imprisonment.

HeinOnline -- 1929 177 1929

Repealing clause.

Section 56. **Repealing Clause.** The following Acts and parts of Acts of the Legislative Assembly of the State of Montana are hereby repealed: Section 2620 to 2633, both inclusive, and Section 3568 to 3572, both inclusive, of the Revised Codes of Montana of 1921; all of Chapter 35 of the Session Acts of the Eighteenth Legislative Assembly of 1923, save and except Section 11 of said Act; Chapter 51 of Session Acts of the Eighteenth Legislative Assembly of 1923; Chapter 153, 165, 166, 187, and 188 of the Session Acts of the Nineteenth Legislative Assembly of 1925, and Chapters 10, 136 and 142 of the Session Acts of the Twentieth Legislative Assembly of 1927, and all other Acts and parts of Acts in conflict herewith.

Section 57. **Effective Date of Act.** This Act shall take effect upon its passage and approval.

Approved March 11, 1929.

CHAPTER 94.

An Act to Permit the Erection and Operation of Residence Halls at State Educational Institutions.

Be it enacted by the Legislative Assembly of the State of Montana:

Authority to Board of Education.

Section 1. The State Board of Education is authorized to:

Residence halls.

(a) Erect from time to time at any of the institutions under its control such residence halls as may be required for the good of the institutions.

Rent rooms.

(b) Rent the rooms in such residence halls and provide board to the students, officers, guests, and employees of said institutions at such rates as will insure a reasonable excess of income over operating expenses.

Use of funds.

(c) Hold the funds derived from the operation of such residence halls and spend the same for repairs, replacements, and betterments including the erection of additional residence halls.

Management.

(d) Exercise full control and complete management of such residence halls.

HeinOnline -- 1929 178 1929

Title.

Section 2. The title to all real estate and improvements acquired and erected under the provisions of this Act shall be taken and held in the name of the State of Montana.

Section 3. In carrying out the above powers, said Board may:

Borrow or pledge.

(a) Borrow money.

(b) Pledge the rents and income received from the residence halls for the discharge of loans so executed.

Liability of state.

Section 4. No obligation created hereunder shall ever be or become a charge against the State of Montana but all such obligations, including principal and interest, shall be payable solely:

(a) From the net rents and income pledged.

Payable from certain funds only.

(b) From the net rents and income which has not been pledged for other purposes arising from any other residence halls or like improvement under the control and management of said Board; or

(c) From the income derived from gifts and bequests made to the institutions under the control of said Board for residence hall purposes.

Each hall a unit.

Section 5. In discharging obligations under the preceding sections the residence halls at each of said institutions shall be considered as a unit and the rents and income available for residence hall purposes at one institution shall not be used to discharge obligations created for residence halls at another institution.

State funds barred.

Section 6. No State funds shall be loaned or used for this purpose. This shall not apply to funds derived from the net rents and income of residence halls now or hereafter owned by the State of Montana.

Approved March 11, 1929.

HeinOnline -- 1929 179 1929

CHAPTER 95.

An Act to Amend Section 882 of the Revised Codes of Montana, 1921, Relating to the Establishment of the Montana State Bureau of Mines and Geology, Fixing its Location and Changing the Name Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 882 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Section 882. **Establishment of the Montana State Bureau of Mines and Geology.** There is hereby established in the Montana State School of Mines a department to be known as the Montana State Bureau of Mines and Geology, which shall be under the direction of the State Board of Education.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 11, 1929.

CHAPTER 96.

An Act to Amend Section 219 of the Revised Codes of Montana of 1921, Relating to the Number and Salaries of Assistants, Deputies and Clerks in the Department of the State Examiner, and Repealing Section 220 of the Revised Codes of Montana Relating to Additional Deputies and Assistants to the State Examiner.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 219 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Section 219. **Assistants, Deputies and Clerks.** The State Examiner shall be allowed one first assistant at a salary of Three Thousand Dollars ($3,000.00) per year; one second assistant at a salary of Twenty Seven Hundred Dollars ($2700.00) per year; three deputies at a salary of Twenty Seven Hundred Dollars ($2700.00) per

HeinOnline -- 1929 180 1929

year and one clerk at a salary of Fifteen Hundred Dollars ($1500.00) per year.

Section 2. That Section 220 of the Revised Codes of Montana, be, and the same is hereby repealed.

Section 3. All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved March 11, 1929.

CHAPTER 97.

An Act Requiring Every Person, Firm, Co-Partnership, Association, Joint Stock Company, Syndicate, and Corporation Engaging in or Carrying on the Business Within This State of Producing for Sale, Profit or Use the Commodity or Substance Known as "Carbon Black," to Pay to the State Treasurer for Engaging in and Carrying on Such Business Certain License Fees for the Exclusive Use and Benefit of the State of Montana; Fixing the Amount of Such License Fees; Prescribing a Method for the Assessment and Collection Thereof; and Prescribing Penalties for Violations of the Provisions of this Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The term "person," as used in this Act, shall mean and include any individual, firm, copartnership, and every corporation, joint stock company, syndicate and association.

"Carbon black" defined.

The term "carbon black," as used in this Act, shall mean and include any kind of carbon black or gas carbon, gas graphite, or any form of carbon produced from natural gas, or whatsoever grade or quality, whether produced by a burning, a heating, a cracking, or any chemical or mechanical or other process whatsoever.

License tax.

Section 2. Every person engaged in or carrying on within this State the business of producing or manufacturing for sale, profit or use the commodity or substance known as "carbon black," hereinabove defined, must, for the year 1929, and each year thereafter when engaged in or carrying on any such business in this State, pay to the State Treasurer for the exclusive use and benefit of

HeinOnline -- 1929 181 1929

the State of Montana, a license tax for engaging in and carrying on such business in an amount equal to one eighth (1/8) of one cent (1c) for each pound of carbon black produced or manufactured by such person within the State during such year.

When payable.

Section 3. Such license tax shall be paid in semi-annual installments for the semi-annual periods ending respectively June thirtieth and December thirty-first, of each year beginning with the semi-annual period ending June 30, 1929, and the amount of the license tax for each semi-annual period shall be paid to the State Treasurer within thirty (30) days after the end of each semi-annual period and when received by the State Treasurer shall be credited to the General Fund of the State.

Statements of going concerns to board.

Contents.

Section 4. Each and every person engaged in such business in the State of Montana at the time when this Act becomes effective must, not later than the thirtieth day of April, 1929, and every person who shall engage in such business at any time after the date when this Act becomes effective, must immediately, upon engaging in such business, file with the State Board of Equalization a certificate and statement, on forms prescribed by the State Board of Equalization, which shall contain the name under which such person is engaged in and carrying on such business in this State, giving the place or places of business and the location of the plant or plants for the production of carbon black owned, leased, controlled, or operated by such person; the name and address of the managing agent in this State if an association, corporation, joint stock company or syndicate, or if a firm or co-partnership, the names and addresses of the persons composing the same; if an association, joint stock company, corporation or syndicate, the laws of the State under which organized, its principal place of business, and the names and addresses of its principal officers; and such other information as the Board may deem necessary.

Records.

Section 5. Every such person shall keep a record in such form as the State Board of Equalization may require of all carbon black produced or manufactured by such person in this State and such records shall at all times during the business hours of the day, be subject to inspection by the State Board of Equalization, its members, agents or employees.

HeinOnline -- 1929 182 1929

Section 6. Each and every person must, within thirty (30) days after the semi-annual period ending June 30, 1929, and within thirty (30) days after the end of each following semi-annual period, make out, in duplicate, on forms prescribed by the State Board of Equalization, and deliver to the State Treasurer, a statement showing the quantity of carbon black produced or manufactured by such person in the State of Montana during each month of such semi-annual period and during the whole of said semi-annual period, together with the total amount due the State as license tax for such semi-annual period; and must, within such thirty (30) days, and at the same time such statement is delivered to the State Treasurer, pay to the State Treasurer the amount of the license tax shown by such statement to be due to the State of Montana for the semi-annual period for which such statement is made; such statement must be signed and verified by the oath of the individual or individuals, or by the president, vice-president, treasurer, assistant treasurer, or managing agent in this State of the association, corporation, joint stock company, or syndicate making the same. Any such person engaged in or carrying on such business at more than one place in this State, or owning, leasing, controlling, or operating more than one carbon black plant in this State, may include all thereof in one statement. The State Treasurer shall receive and file all such satements and collect and receive from such person making and filing a statement with him the amount of tax payable by such person, if any, as the same shall appear from the face of the statement. The State Treasurer shall endorse on each statement as soon as the same is received by him, the date when so received, the name and post office address of the person from whom received; and the amount of tax, if any, paid by such person; and he must number such statement consecutively, beginning with the number one (1) for each year followed by the year. The State Treasurer shall keep a book in such form as shall be approved by the State Board of Equalization, in which he shall enter each statement filed with him in the order in which received and filed, the number thereof, date of filing, name of person making the return, and the amount of tax, if any, paid by such person, which book shall be designated "State Treasurer's Record of Carbon Black Production License Tax." The State Treasurer shall within ten days after the end of each month deliver over to the State Board of

Statement of production.

Duties of State Treasurer

HeinOnline -- 1929 183 1929

Equalization all statements filed with him and not already delivered to said Board, and such statements shall then be filed in the office of, and become a part of the records of the State Board of Equalization. It shall be the duty of the State Board of Equalization to examine each of such statements and compute the taxes thereon, and the amount so computed by the Board shall be the taxes imposed, assessed against and payable by the person making the statement for the semi-annual period for which the statement is filed. If the tax found to be due shall be greater than the amount paid, the excess shall be paid by the taxpayer to the State Board of Equalization within ten days after written notice of the amount of the deficiency shall be mailed by the State Board of Equalization to such taxpayer. Provided, that if the tax imposed shall be less than the amount paid, the difference must be refunded to the person making such payment.

Duties of State Board of Equalization.

Failure to file.

Section 7. It shall be unlawful for any such person to fail, neglect, or refuse to file any statement or certificate required by this Act in the manner or within the time herein required, or to make such statement false in any particular.

Board of Equalization to investigate.

Section 8. If any such person shall fail, neglect, or refuse to file any statement required by the provisions of this Act within the time therein required, the State Board of Equalization shall immediately after such time has expired, proceed to inform itself, as best it may, regarding the quantity of carbon black produced or manufactured by such person in this State during such semi-annual period and during each month thereof, and shall determine and fix the amount of the license tax due the State from such person for such semi-annual period, and shall make out a statement, in duplicate, showing the same and shall add to the amount of such license tax a penalty of twenty-five per centum (25%) thereof and deliver one of such statements to the State Treasurer, who shall proceed to collect the amount of such license tax, with the penalty added thereto, and interest on the whole thereof at the rate of twelve per centum (12%) per annum from the date of the making of such statement by the State Board of Equalization, until paid.

Penalty.

Duty of Attorney General.

Upon the request of the State Treasurer, it shall be the duty of the Attorney General to commence and prosecute

HeinOnline -- 1929 184 1929

to final determination, in any Court of competent jurisdiction, an action at law for the collection of the same.

Penalty for violation.

Section 9. Any violation of any of the provisions of this Act shall be deemed a misdemeanor and shall be punished by a fine of not exceeding One Thousand Dollars ($1,000.00), or by imprisonment in the County Jail for not exceeding six months, or by both such fine and imprisonment.

Section 10. The license tax herein provided for shall be in addition to all taxes and other fees now required to be paid by the persons subject to the provisions of this Act.

Saving clause.

Section 11. If any section, subsection, sentence, clause or phrase of this Act is for any reason held unconstitutional, such decision shall not effect the validity of the remaining portions of this Act. The Legislative Assembly declares that it would have passed this Act and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 12. This Act shall be in full force and effect after its passage and approval.

Approved March 11, 1929.

CHAPTER 98.

An Act Authorizing the Registrar of Motor Vehicles to Construct, Furnish and Equip an Addition to the Building for the Manufacture of Automobile License Plates and Appropriating Money for that Purpose.

Be it enacted by the Legislative Assembly of the State of Montana:

Addition to building to manufacture plates.

Section 1. The Registrar of Motor Vehicles is hereby authorized and directed to construct an addition to the building at the Montana State Prison used for the purpose of manufacturing automobile license plates, chauffeur badges, road markers, state markers, and auto name plates, and to purchase furnishings, machinery and equipment necessary for the manufacture of such articles.

HeinOnline -- 1929 185 1929

Appropriation.

Section 2. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of the moneys received from automobile license fees, which sums are to be deducted from said moneys before any distribution of such moneys shall be made to the several counties, to-wit:

For addition.

For the purpose of constructing the addition to the building used for the manufacture of auto license number plates,
Seven Thousand Dollars $7,000.00

For equipment.

For the purpose of purchasing furnishings, machinery and equipment for the manufacture of the articles enumerated in Section 1 hereof, the sum of
Two Thousand Dollars $2,000.00

Section 3. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1929.

CHAPTER 99.

An Act Authorizing and Directing the State Board of Examiners to Provide for the Construction and Erection of a Show Barn for the Display of Livestock at the State Fair Grounds in Lewis and Clark County, Montana, and to Appropriate Money Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Authorization of construction of show barn.

Section 1. The State Board of Examiners is hereby authorized and directed to provide for the construction of a show barn for the display of livestock upon a site to be selected by them at and within the State Fair Grounds in Lewis and Clark County, Montana, during the year 1929, said show barn to be constructed under their direction and in such manner, size and form and of such materials as they shall deem best, provided that the total cost thereof shall not exceed the sum of Five Thousand Dollars ($5,000.00).

HeinOnline -- 1929 186 1929

Appropriation.

Section 2. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of Five Thousand Dollars ($5,000.00), or so much thereof as may be necessary for the construction of said show barn.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1929.

CHAPTER 100.

An Act Relating to Tax Deeds, Providing the Method and Procedure to be Followed in Applying for the Tax Deed and for the Issuance Thereof by the County Treasurer; the Redemption of Said Lands From the Tax Sale; the Form of Deed to be Issued and the Title Conveyed Thereby.

Be it enacted by the Legislative Assembly of the State of Montana:

Action before issuance of tax deed.

Section 1. The purchaser of property hereafter sold for delinquent taxes or his assigns desiring a tax deed thereto may at his option, in addition to all other methods now provided by law, bring and maintain an action in the District Court of the County in which such real property is situated, which said action shall be brought and except as herein provided shall be prosecuted as in other civil actions. Before bringing the action, the plaintiff, unless it be the County, shall pay all delinquent taxes assessed subsequent to the date he procured the certificate of sale which may then be due to the County.

Complaint.

Section 2. The action shall be commenced by the filing of a verified complaint in which the party so commencing the same shall be named as plaintiff, and all persons having an interest in said property either as owner, encumbrancer, or otherwise, whose interest shall appear of record in the office of the County Clerk and Recorder of the County in which the said action is instituted, together with the County Treasurer of said County, shall be named

HeinOnline -- 1929 187 1929

Parties.

as defendants; if the County is the applicant, the action shall be brought in the name of the County Clerk and Recorder of said County; the complaint shall, among other things, set forth the description of the real property involved, the year in which the delinquent taxes were assessed, the amount for which the property was sold, the amount of taxes subsequently paid, the date of the sale of said property, the person to whom sold, the nature of the interest in said land held by the respective defendants or any of them, and the amount of money necessary to redeem the said lands from the said sale.

Contents.

Notice of pendency of action.

Section 3. Upon the filing of the complaint, a notice of the pendency of said action shall be recorded in the office of the County Clerk and Recorder of the County in which the said action is pending, and the Lis Pendens so recorded shall be filed with the Clerk of the Court and shall become a part of the Judgment Roll of said action.

Summons.

Section 4. Upon the filing of the complaint, a summons must be issued under the seal of the said Court in manner, form and in substance as in civil actions, with the additional statement: "This action is brought for the purpose of procuring a tax deed from the County Treasurer of ..... County (Name of County), Montana, for the lands and premises described as: (description of the land)." Service of the said summons shall be made as in civil actions.

Appearance.

Section 5. Any defendant may appear in said action within the time provided by law for appearances in civil actions and may set up any defense to the said action he may have, and may therein question the legality, validity or the sufficiency of any act had in connection with the assessment or sale of said land; any defendant to said action may make redemption of said lands from said tax sale by paying the total amount of delinquent taxes and penalties, with interest thereon at twelve per centum (12%) per annum from date of payment, which plaintiff shall have paid, together with costs of the action, and upon such payment a certificate of redemption therefrom shall be issued by the County Treasurer of said County to the defendant so paying, and thereupon the said action shall be dismissed; whenever a defendant shall desire to redeem from a tax sale and pay all subsequent taxes upon any lots, piece, or parcel of real estate, which said person,

Redemption.

HeinOnline -- 1929 188 1929

firm, copartnership, corporation, or association shall own or hold a mortgage or other lien against or have any interest in such property, it shall be the duty of the County Treasurer of the County in which such real estate is situated to permit such redemption and payment; and in case the said real estate shall have been assessed or sold, together with other real estate, or in case the tax assessed against any other property shall be a lien thereon, then it shall be the duty of said County Treasurer to compute and apportion the tax that should have properly been assessed against the said real estate sought to be redeemed, and upon which the taxes are sought to be paid, the same as if said property had been separately assessed. Any personal property tax which is a lien upon said real estate shall be likewise computed and apportioned on the same percentage basis as the tax assessed against the real estate is apportioned.

Assessor to apportion tax when property sold with other property.

Section 6. No judgment in any such action shall be given by default but the Court must require proof of the facts alleged in the complaint and other pleadings in said action.

No default.

Section 7. The Court by its judgment shall ascertain and determine by proper findings that the land was duly assessed, the year for which it was assessed, the amount of the assessment thereof, that said land was sold for the delinquent taxes, that due notice of the sale of the land was given as provided by law, the date of the sale thereof, the person to whom sold, the amount for which it was sold, the fact of the assignment of the certificate of sale, if assigned, that the said land nor any part thereof has not been redeemed from said sale, if such be the case, and shall order and direct the County Treasurer of said County to issue a deed of conveyance to the plaintiff for said land, that the said judgment so entered shall be binding and conclusive upon the defendants therein named, and from and after the entry of the said judgment all defendants to said action shall be forever barred and enjoined from claiming or asserting any claim of any kind or nature whatsoever existing at the time of the entry of said judgment to the lands and premises described in said action or to any part or portion thereof.

Findings of the court.

Order for issuance of deed.

Section 8. Upon filing with the County Treasurer a certified copy of the decree, he must issue a tax deed for the real estate described in the judgment, which deed in substance shall be as follows:

Issuance.

HeinOnline -- 1929 189 1929

Form.

"This indenture, made by and between..... (insert name of Treasurer), County Treasurer of the County of .....(insert name of County), in the State of Montana, the party of the first part, and..... .....(insert name of grantee), the party of the second part, Witnesseth:

Whereas, there was assessed for the year..... (insert year), in the name of ..... (insert name), that certain tract of land hereinafter described, and the taxes for said year levied against said property amounted to the sum of..... (insert amount) Dollars; and

Whereas, said taxes were not paid and said property was sold for the payment of said taxes to..... (insert name of grantee), on the.....(insert day) of ..... (insert month) A. D. ..... (insert year), for the sum of..... (insert amount) Dollars, and certificates of sale were duly issued and filed as required by law; and

Whereas, by virtue of a judgment and decree entered by the District Court of the ..... Judicial District of the State of Montana in and for the County of ..... (insert name of county) in an action wherein ..... was plaintiff and..... ..... defendant..., a certified copy thereof being filed in my office, I, the said County Treasurer aforesaid, am ordered and directed to issue this deed of conveyance for said lands.

Now, therefore, I, ... (insert name of Treasurer), County Treasurer of the County of..... (insert name of County), in the State of Montana, for and in consideration of the sum of..... (insert amount) Dollars paid, do grant to ..... (insert name of grantee), all the property situated in..... (insert name of County) County, State of Montana, described as follows: ..... (here insert description of the land sold for taxes and sought to be conveyed.)

Witness my hand this ..... (insert day) day of ..... (insert month), A. D. ..... (insert year).

.....
County Treasurer of.....
County, State of Montana."

HeinOnline -- 1929 190 1929

Section 9. The deed hereafter issued under this or any other law of this State shall convey to the grantee the absolute title to the lands described therein as of the date of the expiration of the period for redemption, free of all encumbrances and clear of any and all claims of said defendants to said action except the lien for taxes which may have attached subsequent to the sale and the lien of any special or local improvement assessments levied against the property payable after the execution of said deed, and except when the land is owned by the United States or this State, in which case it is prima facie evidence of the right of possession accrued as of the date of expiration of such period for redemption.

Deed free from encumbrance

Section 10. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1929.

CHAPTER 101.

An Act to Amend and Re-enact Section 89 of Chapter 60 of the Session Laws of the State of Montana of 1927 Relating to the Reinstatement of Cancelled Certificates of Purchase of State Lands.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 89 of Chapter 60 of the Session Laws of the State of Montana of 1927 is hereby amended and re-enacted to read as follows:

Section 89. In all cases where a certificate of purchase of State lands has been cancelled and annulled as provided by law, and the lands under such certificate have not been resold to another purchaser, the State Board of Land Commissioners may in its discretion re-instate the cancelled certificate upon proper application made in writing by the original purchaser or his heirs, assigns, or devisees, filed within one year and six months from such cancellation, and payment of all delinquent installments of principal and interest on the certificate together with penalty interest at the rate of six per centum (6%) per annum upon all such delinquent installments from the date due until the date of actual payment, and the furnish-

Reinstatement of cancelled certificates.

Tax liens.

HeinOnline -- 1929 191 1929

Effect on leases.

ing of proof from the County Treasurer showing that there are no tax liens against the land. This re-instatement shall not have the effect of cancelling any lease that the State may have issued on the land, or affecting any of the provisions of said lease.

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 11, 1929.

CHAPTER 102.

An Act to Amend Section 1010 of the Revised Codes of Montana, 1921, As Amended by Chapter 70 of the Session Laws of the Eighteenth Legislative Assembly of 1923, As Further Amended by Chapter 76 of the Session Laws of the Nineteenth Legislative Assembly of 1925, and As Further Amended by Chapter 77 of the Twentieth Legislative Assembly of 1927, Relating to Transportation, Board, Rent, Tuition of Pupils of Any School District or Districts of the State of Montana and Providing for Furnishing Transportation, Rent, Board and Tuition for Such Pupils and Providing for Appeal.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1010 of the Revised Codes of Montana 1921, as amended by Chapter 70 of the Session Laws of the Eighteenth Legislative Assembly of 1923 and as further amended by Chapter 76 of the Session Laws of the Nineteenth Legislative Assembly of 1925, and as further amended by Chapter 77 of the Twentieth Legislative Assembly of 1927, be, and the same is hereby amended to read as follows:

Trustees may close their school and send children to another district.

Section 1010. **Transportation of Pupils.** That the trustees of any school district in the State of Montana, when they shall deem it for the best interest of all pupils residing in such district, may close their school and send pupils of the district to another district or districts and for such purpose are hereby authorized to expend any moneys belonging to their district for the purpose of paying for the transportation of pupils from their district to such other district or districts, as hereinafter provided, and for the purpose of paying their tuition. When-

HeinOnline -- 1929 192 1929

ever the trustees of any school district in the State of Montana deem it for the best interest of such district and the pupils residing therein they are hereby authorized to expend any moneys belonging to their district for the purpose of paying for the transportation of pupils from their homes to the public school or schools maintained in such district including any child, or children, of such district who may attend any school other than such public school therein, on the condition that such child, or children, attending any other than a public school of such district shall pay their proportionate share of the cost of such said transportation so that the transportation of such pupil, or pupils, attending any school other than a public school shall not be a charge or expense to such district, as hereinafter provided; provided, however, that in the letting of the contract for the transportation of more than five (5) pupils on a single transportation route, the trustees of school districts shall advertise for bids for transportation of such pupils in one issue of the county paper having the largest circulation in such district at least fifteen (15) days prior to the letting of contract, and in the event that there is no newspaper published in the county, then three (3) notices calling for bids shall be posted in three (3) separate and conspicuous places in the district and provided that the contract for such transportation shall be let to the lowest responsible bidder and suitable bond be furnished by contractor, and provided that the trustees of any district shall not, except where there is rail transportation or where it is necessary to transport pupils for special instruction from school to school, be allowed to expend any of the district's money for transportation of pupils who live nearer than two and one-half miles from the limits of an incorporated city in which the child attends school or nearer than three (3) miles from the school the child attends, unless any child resides on an established consolidated route, provided, however, that this limitation as to mileage shall not apply to districts of the first or second class . When they deem it for the best interest of such district and the pupils residing therein, that any of such pupils should be sent to a school in their own or some other district, they must expend any moneys belonging to their district for the purpose of either paying for the transportation of such pupils from their homes to the public school or schools of such district or for their board, rent or tuition while actually attending such school, pro-

Transportation of pupils.

Contracts for transportation.

Bids.

HeinOnline -- 1929 193 1929

vided that if there are five (5) pupils or less, then the following schedule shall apply: The following schedule shall also apply in all cases of transportation of five (5) or less children:

Schedule for transporting five or less children.

Three (3) to four (4) miles one (1) child thirty-five cents (35c) per day, each child additional ten cents (10c) per day.

Four (4) to five (5) miles one (1) child forty-five cents (45c) per day, each child additional twelve and one-half cents (12½c) per day.

Five (5) to six (6) miles one (1) child fifty-five cents (55c) per day, each additional child fifteen cents (15c) per day.

Six (6) to seven (7) miles one (1) child sixty-five cents (65c) per day, each additional child seventeen and one-half cents (17½c) per day.

Seven (7) to eight (8) miles one (1) child seventy-five cents (75c) per day, each additional child twenty cents (20c) per day.

Eight (8) miles or over one (1) child seventy-five cents (75c) per day and each additional child twenty-five cents (25c) per day.

When schedule may be altered.

The Board of Trustees with the approval of the County Superintendent may alter this schedule if they deem it for the best interest of the children and taxpayers of the district. If, in the judgment of the County Superintendent and Trustees of said district, there is any evidence of fraud in securing an allowance for board, transportation, house rent or tuition of an applicant having purposely changed his residence or otherwise having contrived to secure assistance, no district funds shall be allowed for any of the purposes above enumerated.

Fraud.

Trustees of relieved district must help district where children are attending.

When a district is relieved of the necessity of supporting any school by the fact that all or a part of the children residing in the district are being provided with schooling in another district, it shall be the duty of the Trustees in the district holding no school to assist in the support of the school which the children of their district are attending, in proportion to the relation the number of children from their district attending school in another district bears to the total number of children enrolled in the school in the other district. No district shall be entitled to share in the county apportionment if trustees

HeinOnline -- 1929 194 1929

refuse to comply with the above requirement when they are thus relieved of the necessity of providing any school.

Section 2. If any person shall be dissatisfied with any finding or determination of either the Board of Trustees or County Superintendent of Schools under the provisions of this Chapter relating to transportation, rent, tuition or board, such person may appeal from such finding or determination by written petition to the State Superintendent of Public Instruction.

Dissatisfied person may appeal.

Section 3. Nothing in this Act shall be construed as repealing, abrogating or modifying Section 1044 of the Revised Codes of Montana, 1921, as amended by Chapter 178 of the Session Laws of the Nineteenth Legislative Assembly of 1925.

Section 4. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 11, 1929.

CHAPTER 103.

An Act to Amend Section 11180 of the Revised Codes of Montana 1921, Relating to the Recording or Registering of Bets, or Wagers, Upon the Result of Any Contest of Speed or Skill or Endurance of Animal or Beast and to Repeal All Acts and Parts of Acts in So Far as the Same May Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 11180 of the Revised Codes of Montana 1921, be, and the same is hereby amended to read as follows:

Section 11180. **Racing Bets Unlawful.** It shall be unlawful to make or report or record or register any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast, whether such contest is held within or without the State of Montana, except that it shall be lawful for any and all patrons, except minors, of a fair or racing association to contribute entrance fees toward the purse in races to be given by any fair or racing association and it shall be lawful except on Sundays for any fair or racing association to

Entrance fees in counties having 40,000 population.

HeinOnline -- 1929 195 1929

divide the purses among such patrons for a period of not more than thirty days in any one year in all counties having a population of forty thousand people, or more, according to the United States Census last preceding such fair or race meeting and also lawful in other counties for patrons, except minors, of a fair or racing association to contribute entrance fees toward the purse in races to be given by any fair or racing association and it shall be lawful except on Sundays for any fair or racing association to divide the purses among such patrons, for a period of not more than six days in any one year . The entrance fees may be recorded and such recording shall not be an unlawful wager.

Entrance fees when less than 40,000 population.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 11, 1929.

CHAPTER 104.

An Act to Regulate the Occupation of Hairdressers and Cosmetologists, Create a State Examining Board for the Licensing of Persons to Carry on or Teach Such Practices, to Insure the Better Education of Such Practitioners, to Provide Rules Regulating the Proper Conduct and Sanitation of Hairdressing and Cosmetologist Establishments and Schools, and to Provide Penalties for Violations Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Teaching of cosmetology.

Section 1. That on and after the date on which the Act goes into effect, no person shall practice or teach cosmetology and no place shall be used or maintained for the practice or teaching of cosmetology, for compensation, except under a license issued in compliance with the requirements of this Act.

Definition.

Section 2. **Definition.** The practice and teaching of cosmetology is defined to be and includes any or all work generally and usually included in the term "Hairdressing" and "Beauty Culture" and performed in so-called hairdressing and beauty shops, which work is done for the embellishment, cleanliness and beautification of the hair, scalp, face, arms or hands.

HeinOnline -- 1929 196 1929

Requirements to practice or teach.

Section 3. **Requirements to Practice or Teach.** Before anyone may practice or teach cosmetology, such person shall file with the Secretary of the State Board a written application for registration, accompanied by a health certificate, issued by a registered licensed physician, on a form prescribed and supplied by the State Board, and also submit satisfactory proof of good moral character, and shall deposit with the Secretary of the said Board, the required fee and pass an examination as to fitness to practice or teach cosmetology or any practices thereof. If a hairdresser or cosmetologist shall, after securing a certificate, contract a communicable disease, endangering the public health, the Board shall, upon proof of same, cancel or suspend the certificate until such a time as the hairdresser or cosmetologist can secure a satisfactory physician's certificate.

Certificate.

Exceptions.

Providing, however, that a person holding a similar license or permit of, or who has practiced or taught cosmetology for at least three years, in another State, Territory, or District of Columbia, or a person who is practicing or teaching in this State preceding the effective date of the Act, shall secure such license without examination, providing due application for registration shall be made and the required fee paid by such person under such rules as the State Board may provide.

Examining Board of Beauty Culturists.

Section 4. There is hereby created a state examining board which shall be called and styled "The Montana State Examining Board of Beauty Culturists," consisting of three members, each of whom shall be a hairdresser or cosmetologist, to be appointed by the Governor, from a list of six persons recommended by the State Board of Health, each to serve four years and until his or her successor is appointed; provided, that on the first Board one member shall be appointed to serve two years; one member three years and one member four years and until their successors are appointed. Such members must have at least three (3) years practical experience in their respective occupations and shall be citizens of this State. No two members of the said Board shall be members of, nor affiliated with any school teaching any of the classified occupations, while in office. This Board may be referred to hereinafter in this Act as the "State Board". Said Board shall adopt a seal to authenticate its acts.

Qualifications and duties.

HeinOnline -- 1929 197 1929

Meeting and officers.

Section 5. The State Board shall meet as soon as convenient after being appointed and elect from among their number a President and a Secretary and Treasurer. The offices of Secretary and Treasurer may be filled by the same member.

Rules by the board.

Section 6. **Rules by the Board.** The State Board shall prescribe reasonable rules for its own conduct and for the qualifications, the registration and examination of applicants to practice or teach cosmetology and for the registration and instruction of apprentices and students and the conduct of schools thereof, and generally for the conduct of persons, firms or corporations affected by this Act.

Registration and licenses.

Section 7. **Registration—Licenses.** If the Board finds that an applicant for registration or examination has submitted the credentials required, and has paid the required fee, the Board shall register, or admit such applicant to examination and shall issue a license to those entitled to it or who have successfully passed the said examination as the case may be.

Examinations.

Section 8. **Examinations.** Examinations shall be held at least two times a year at a place and time specified by the said Board and shall be conducted by said State Board or persons appointed by the said Board for said purpose. Such examiners shall have had at least three years' practical experience and be of established reputation and known ability in the practice of cosmetology and shall not be connected with any school of cosmetology. The examinations shall not be confined to any specific method or system.

Compensation.

Section 9. **Compensation of Members of Board.** Each member of said Board shall receive Ten Dollars ($10.00) for each day, not to exceed three consecutive days employed in the actual discharge of his or her official duties and his necessary expenses so incurred. The Secretary of the State Board shall receive an annual salary to be fixed by the Board, and his or her necessary expenses actually incurred in the performance of the official duties. The State Board may make reasonable provisions for its expenses in the enforcement of this Act and for compensation and expenses of examiners.

Expenses.

Treasurer's bond.

Section 10. The Treasurer of said State Board shall give a corporate surety bond payable to the Board, in the

HeinOnline -- 1929 198 1929

sum of Five Thousand Dollars ($5,000.00) approved by the said Board, conditioned as the Board may specify for the faithful performance of the duties of this office. Such bond shall have the oath of office endorsed thereon and shall be deposited with the President of the Board, and kept in his or her office.

Powers and duties of the board.

Section 11. **Powers and Duties of the Board.** The Board shall have the power to refuse, revoke or suspend licenses or certificates upon due hearing and proof of violation of the rules and regulations established by the Board under this Act and shall have the power to require the attendance of witnesses and the production of books, records and papers as it may desire and further proceed under the same rules as established by law in criminal cases.

Sanitary rules.

Section 12. **Sanitary Rules.** The said Board, subject to the approval of the State Board of Health, shall prescribe such sanitary rules as it may deem necessary, with particular reference to the precautions necessary to be employed to prevent the creating and spread of infectious and contagious diseases.

Inspector.

Section 13. The State Board of Health shall appoint, and may remove, one inspector who is licensed to practice under this Act, who shall devote his time to inspecting beauty parlors and in doing such other duties connected therewith the Board assigns, and who may enter any beauty parlor or school of hairdressing or cosmetology during business hours for the purpose of inspection. The salary of such inspector shall be fixed by the State Board and his salary and expense shall be paid out of the funds of said Board.

Salary.

Appeal.

Section 14. **Appeal From Actions of the Board.** An appeal may be taken from any actions of the said Board to the District Court of the County in which the applicant resides.

Fees.

Section 15. **Fees.** Each applicant for examination and applicant for admission without examination by virtue of a license issued in another jurisdiction, shall pay at the time of such application a fee of Ten Dollars ($10.00). Each person engaged in any of the practices defined herein shall pay a fee of Five Dollars ($5.00) for the issuance of the license certificate and each renewal thereof. Each person conducting a school referred to herein

HeinOnline -- 1929 199 1929

shall pay an annual fee of Twenty Five Dollars ($25.00). Such fees shall be paid in advance to the Secretary of the Board, and no moneys shall be paid out of the funds of the Board except upon warrant authorized by majority vote of the Board and signed by the President and Secretary of the Board.

Duration and renewal of licenses.

Section 16. **Duration and Renewal of Licenses.** Licenses shall be issued for no longer than one year. All licenses shall expire on the 31st day of December next succeeding unless renewed for the next year. Licenses may be renewed by application made prior to the 31st day of December of each year, and the payment of a required renewal fee. Expired licenses may be renewed under special rules adopted by the Board.

Penalties.

Section 17. **Penalties.** Any person who shall practice or teach beauty culture, or act in any capacity wherein registration or license is required, without complying with this Act, shall be guilty of a misdemeanor. All fines and penalties shall be paid to the Secretary of the Board, and by the Secretary shall be paid into the State Treasury for the use of the Board.

Exceptions to the Act.

Section 18. **To Whom Provisions in This Act Shall Not Apply.** Nothing in this Act shall prohibit service in case of emergency or domestic administration without compensation, nor services by persons authorized under the laws of this State to practice dentistry, or to practice the healing art and licensed undertakers, nor services by barbers lawfully engaged in the performance of the usual and ordinary duties of their vocation, or in cutting women's hair by barbers.

Saving clause.

Section 19. Each section of this Act and every part of each section is hereby declared to be independent of every other, and the holding of any section or part thereof to be void or ineffective for any cause shall not be deemed to affect any other section or part thereof.

Section 20. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 11, 1929.

HeinOnline -- 1929 200 1929

CHAPTER 105.

An Act to Provide for the Incorporation, Operation and Supervision of Co-Operative Savings and Credit Associations to be Termed Credit Unions, and to Define Their Powers.

Be it enacted by the Legislative Assembly of the State of Montana:

Purpose, definition.

Section 1. **Purpose—Definition:** A Credit union is a co-operative society incorporated for the twofold purpose of promoting thrift among its members and creating a source of credit for them at legitimate rates of interest for provident purposes, and shall be known in this Act as Credit Union Associations, and shall be under the supervision of the State Examiner and ex-officio Superintendent of Banks whose duty it shall be to enforce all laws with respect thereto. Such organizations shall have continual succession and shall be organized under and governed solely by the provisions of this Act.

Credit Union Association.

Section 2. Whenever any number of persons not less than five (5) shall desire to incorporate a Credit Union Association having for its object the conduct and operation of such an association as defined in this Act they shall prepare and file Articles of Incorporation to that effect in the manner in this Act specified; such articles shall be signed, sealed, and acknowledged in the form now provided by the statutes of this State for the conveyance of real estate and shall include the following:

Name of association.

1. **The Name of the Association.** The name shall not be the same or too closely resembling that in use by any existing corporation established under the laws of this State. The words Credit Union shall form a part of the name of the Association, and no corporation not organized under this Act shall be entitled to use a name embodying said combination of words, provided any associations now existing may continue their present names.

2. The principal office, or place of business of the Association shall be designated in said Articles and shall be within this State.

3. The par value of the shares of the Credit Union which shall not exceed Ten Dollars ($10.00) each.

4. A provision that such Association is organized under this Act for the purposes herein expressed.

HeinOnline -- 1929 201 1929

5. The names and residences of the persons who subscribe and acknowledge the said declaration, a majority of whom shall be citizens of this State and shall thereafter be called incorporators.

Certificate as evidence.

Section 3. A certified copy of any Articles of Incorporation filed in pursuance of this Act must be received in all courts and other places as prima facie evidence of the facts therein stated.

Section 4. The Certificate issued by the Secretary of State in pursuance of this Act, or a certificate issued by the Superintendent of Banks setting forth that any Association has fully complied with the provisions of this Act, and is lawfully authorized to transact business in this State shall be admitted in all courts of this State, and shall be prima facie evidence of the corporate character and capacity of such Association, and of its right to transact business in this State excepting in an action prosecuted by the State in the nature of quo warranto.

By-laws.

Section 5. **By-Laws.** Contemporaneously with or immediately following the execution of said Articles of Incorporation provided for in the preceding Sections the incorporators then acting in capacity of directors shall adopt appropriate by-laws to govern and prescribe the method and the officers by whom the business of the Association shall be conducted. The by-laws shall be in conformity with the provisions of this Act, and at all times during regular hours of business shall be open to inspection of the members at its principal place of business. The by-laws, among other things, shall especially provide for the character and method of conducting the business of the corporation, with rules governing the addition of members, the sale of its shares, the amount of membership fee; provide for the annual meeting of the shareholders; for the annual election and qualification of directors and for the term and period during which the directors shall serve; provided that the said term or period for all directors shall not be less than one nor more than three (3) years, and that the directors shall be so elected that as soon as possible the term of an equal number shall expire each year; for the appointment of officers; for the adoption, ratification and amendment of the by-laws, and which adoption, ratification and amendment may be made either by the stockholders or Board of Directors; for the method of voting at such annual meeting and for the

Provisions and contents.

HeinOnline -- 1929 202 1929

periodical investigation of the business and condition of such association. Provided, however, that no by-laws and no change or amendment thereof shall be effective until first approved by the State Examiner and ex-officio Superintendent of Banks and provided further that no such Association shall commence the transaction of business as such until the by-laws are first approved by the Superintendent of Banks.

Supervision.

Section 6. Credit Unions shall be under the supervision of the State Examiner of the State of Montana. They shall report to him at least semi-annually on or before June thirtieth (30th) and December thirty-first (31st) of each year. The State Examiner shall examine all Credit Unions doing business in this State at least once a year. Also whenever ten per centum (10%) of the subscribed stock of any Credit Union files a written application with said State Examiner requesting him to make examination of said Credit Union he shall forthwith examine the same, and the expense of making such examination, including living expenses and transportation, together with a fee of Fifteen Dollars ($15.00) for each day actually consumed in the examination shall be paid by the Association examined, and the findings of the examiner to be available to the petitioners and the Board of Directors of the Credit Union notwithstanding any other provisions of law.

Restriction.

Section 7. **Restriction:** It shall be a misdemeanor for any person, association, copartnership or corporation (except corporations organized in accordance with the provisions of this Act) to use the words Credit Union in their name or title.

Powers.

Section 8. **Powers:** A Credit Union shall have the following powers:

(a) To receive the savings of its members either as payment on shares or as deposits (including the right to conduct Christmas Clubs, Vacation Clubs and other such thrift organizations within the membership).

(b) To make loans to members for provident or productive purposes.

(c) To make loans to a cooperative society or other organization having membership in the Credit Union.

(d) To deposit in state and national banks and, to an extent which shall not exceed twenty-five per centum

HeinOnline -- 1929 203 1929

(25%) of its capital, invest in the paid-up shares of building and loan associations and of other credit unions.

(e) To invest in any investment legal for savings banks or for trust funds in the State.

(f) To borrow money as hereinafter indicated.

(g) To own and hold real and personal property.

Memberships.

Section 9. **Membership**: Credit Union membership shall consist of the incorporators and such other persons as may be elected to membership and subscribe to at least one share, pay the initial installment thereon and the entrance fee. Organization (incorporated or otherwise) composed for the most part of the same general group as the Credit Union membership may be members. Credit Union organization shall be limited to groups (of both large and small membership) having a common bond of occupation, or association or to groups within a well-defined neighborhood, community or rural district.

Fine for failure to file reports.

Section 10. For failure to file reports when due, unless excused for cause, the Credit Union shall pay to the Treasurer of the State Five Dollars ($5.00) for each day of its delinquency. If the said State Examiner and ex-officio Superintendent of Banks determine that the Credit Union is violating the provisions of this Act, or is insolvent, the said State Examiner and ex-officio Superintendent of Banks may serve notice on the Credit Union of his intention to revoke the certificate of approval. If, for a period of fifteen (15) days after said notice, said violation continues, the said State Examiner and ex-officio Superintendent of Banks may revoke said certificate and take possession of the business and property of said Credit Union and maintain possession until such time as he shall permit it to continue business or its affairs are finally liquidated. He may take similar action if said report remains in arrears for more than fifteen (15) days.

Notice to revoke.

Fiscal year meetings.

Section 11. **Fiscal Year—Meetings**: The fiscal year of all Credit Unions shall end December thirty-first (31st). Special meetings may be held in the manner indicated in the by-laws. At all meetings a member shall have but a single vote whatever his share holdings. To amend the by-laws, the proposed amendment must be contained in the call for the meeting and it must be approved by three-fourths (¾) of the members then present (which number must constitute a quorum) and by the said State Examiner

HeinOnline -- 1929 204 1929

and ex-officio Superintendent of Banks. There shall be no voting by proxy, a member other than a natural person casting a single vote through a delegated agent.

Elections.

Section 12. **Elections**: At the annual meeting (the organization meeting shall be the first annual meeting) the Credit Union shall elect a Board of Directors of not less than five (5) members, a Credit Committee of not less than three (3) members and a Supervisory Committee of three (3) members, all to hold office for such terms respectively as the by-laws provide and until successors qualify. A record of the names and addresses of the members of the Board and Committees and the officers shall be filed with the State Examiner and ex-officio Superintendent of Banks within ten (10) days of their election.

Directors and officers.

Section 13. **Directors and Officers**: At their first meeting the Directors shall elect from their own number a President, Vice-President, Treasurer and Clerk, of whom the last two named may be the same individual. It shall be the duty of the Directors to have general management of the affairs of the Credit Union, particularly:

(a) To act on applications for membership.

(b) To determine interest rates on loans and on deposits.

(c) To fix the amount of the surety bond which shall be required of all officers and employes handling money.

(d) To declare dividends, and to transmit to the members recommended amendments to the by-laws.

(e) To fill vacancies in the Board and in the Credit Committee until successors are chosen and qualify.

(f) To determine the maximum individual share holdings and the maximum individual loan which can be made with and without security.

(g) To have charge of investments other than loans to members.

The duties of the officers shall be as determined in the by-laws, except that the Treasurer shall be the General Manager. No member of the Board or of either Committee shall, as such, be compensated.

Credit committee, powers and duties.

Section 14. **Credit Committee**: The Credit Committee shall have the general supervision of all loans to members. Applications for loans shall be on a form, prepared by the

HeinOnline -- 1929 205 1929

Credit Committee, and all applications shall set forth the purpose for which the loan is desired, the security, if any, offered, and such other data as may be required. Within the meaning of this Section an assignment of shares or deposits or the endorsement of a note may be deemed security. At least a majority of the members of the Credit Committee shall pass on all loans and approval must be unanimous.. The Credit Committee shall meet as often as may be necessary after due notice to each member.

Supervisory committee, powers and duties.

Section 15. **Supervisory Committee**: The Supervisory Committee shall:

(a) Make an examination of the affairs of the Credit Union at least quarterly, including an audit of its books and, in the event said committee feels such action to be necessary, it shall call the members together thereafter and submit to them its report.

(b) Make an annual audit and report and submit the same at the annual meeting of the members.

(c) By unanimous vote, if it deem such action to be necessary to the proper conduct of the Credit Union, suspend any officer, director or member of committee and call the members together to act on such suspension. The members at said meeting may sustain such suspension and remove such officer permanently or may reinstate said officer.

By majority vote the Supervisory Committee may call a special meeting of the members to consider any matter submitted to it by said Committee. The said Committee shall fill vacancies in its own membership.

Capital.

Section 16. **Capital**: The capital of a Credit Union shall consist of the payments that have been made to it by the several members thereof on shares. The Credit Union shall have a lien on the shares and deposits of a member for any sum due to the Credit Union from said member or for any loan endorsed by him. A Credit Union may charge an entrance fee as may be provided by the by-laws.

Minors.

Section 17. **Minors**: Shares may be issued and deposits received in the name of a minor or in trust in such manner as the by-laws may provide. The name of the beneficiary must be disclosed to the Credit Union.

Rates.

Section 18. **Rates**: Interest rates on loans made by a Credit Union shall not exceed one per centum (1%) a month on unpaid balances.

HeinOnline -- 1929 206 1929

Power to borrow.

Section 19. **Power to Borrow**: A Credit Union may borrow from any source in total sum which shall not exceed fifty per centum (50%) of its assets.

Loans.

Section 20. **Loans**: A Credit Union may loan to members. Loans must be for a provident or productive purpose and are made subject to the conditions contained in the by-laws. A borrower may repay his loan in whole or in part any day the office of the Credit Union is open for business. No director, officer or member of committee may borrow from the Credit Union in which he holds office beyond the amount of his holdings in it in shares and deposits, nor may he endorse for borrowers.

Reserves.

Section 21. **Reserves**: All entrance fees, (which may be provided by the by-laws for failure to make repayments on loans and payments on shares when due), and each year, before the declaration of a dividend, twenty per centum (20%) of the net earnings, shall be set aside as a Reserve Fund which shall be kept liquid and intact and not loaned out to members, and shall belong to the corporation to be used as a reserve against bad loans and not be distributed except in case of liquidation.

Dividends.

Section 22. **Dividends**: On recommendation of the Directors, a Credit Union may, at the end of the fiscal year, declare a dividend from net earnings, which dividend shall be paid on all shares outstanding at the end of the fiscal year. Shares which become fully paid up during the year shall be entitled to a proportional part of said dividend calculated from the first day of the month following such payment in full.

Expulsion.

Section 23. **Expulsion—Withdrawal**: A member may be expelled by a two-thirds (2/3) vote of the members present at a special meeting called to consider the matter but only after a hearing. Any member may withdraw from the Credit Union at any time but notice of withdrawal may be required. All amounts paid on shares or as deposits of an expelled or withdrawing member, with any dividends or interest accredited thereto, to the date thereof, shall, as funds become available and after deducting all amounts due from the member to the Credit Union, be paid to him. The Credit Union may require sixty (60) days notice of intention to withdraw shares and thirty (30) days notice of intention to withdraw deposits. Withdrawing or expelled members shall have no

Withdrawal.

Rights.

HeinOnline -- 1929 207 1929

further rights in the Credit Union but are not, by such expulsion or withdrawal, released from any remaining liability to the Credit Union.

Dissolution.

Section 24. **Dissolution**: The process of voluntary dissolution shall be as follows:

(a) At a meeting called for the purpose (notice of which purpose must be contained in the call, four-fifths (4/5) of the entire membership of the Credit Union may vote to dissolve the Credit Union.

(b) Thereupon they file with the said State Examiner and ex-officio Superintendent of Banks a statement of their consent to dissolution, attested by a majority of the officers and including the names and addresses of the officers and directors.

(c) The State Examiner and ex-officio Superintendent of Banks determine whether or not the Credit Union is solvent. If such is the fact he issues in duplicate a certificate to the effect that this Section has been complied with.

(d) The certificate is filed with the County Clerk of the County in which the Credit Union is located, whereupon the Credit Union is dissolved and shall cease to carry on business except for the purpose of liquidation.

(e) The Credit Union shall continue in existence for the purpose of discharging its debts, collecting and distributing its assets and doing all other acts required in order to wind up its business, and may sue and be sued for the purpose of enforcing such debts and obligations until its affairs are fully adjusted and wound up, for three (3) years.

Change of place of business.

Section 25. **Change in Place of Business.** A credit Union may change its place of business on written notice to said State Examiner and ex-officio Superintendent of Banks.

Taxation.

Section 26. **Taxation**: Every Credit Union shall be assessed for and pay taxes upon its office furniture and fixtures and all real estate acquired in the course of its business. The amount standing to the credit of each member of any such Credit Union, upon its books, shall be considered and held as the individual credit of each member, and each member shall list the shares held by him for taxation, at their real value in money, in the County of

HeinOnline -- 1929 208 1929

his residence, the same as other credits are listed, except shares upon which loans have been made, or money advanced, by the Credit Union, and as to such shares they shall be listed for taxation at the net cash value of the stock, to be ascertained by deducting the loan from the cash value of the shares. The shares of a Credit Union shall not be subject to a stock transfer tax when issued by the corporation or when transferred from one member to another.

Fees.

Section 27. **Fees.** All fees and expenses collected by the State Examiner and ex-officio Superintendent of Banks from credit unions for examination shall be deposited with the State Treasurer for the credit of the general fund. The Secretary of State shall charge a flat fee of Five Dollars ($5.00) for filing and recording the Articles of Incorporation of Credit Unions, which fee shall be in lieu of other filing fees.

Exceptions.

Section 28. **Not to Apply To.** Nothing contained in this Act shall apply to persons or corporations engaged in the business of loaning money under the provisions of the Banking, Building and Loan, and other Laws of the State of Montana. This Act to apply to and govern only those doing business as Credit Union Associations.

Section 29. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 30. This Act shall take effect from and after its passage and approval.

Approved March 11, 1929.

HeinOnline -- 1929 209 1929

CHAPTER 106.

An Act to Amend Section 4390 of the Revised Codes of Montana, 1921, Providing for the Creation of New Counties, Fixing Valuation of the Old Counties, and to Establish the Assessed Valuation of New Counties, Also, to Prorate Debts and Assets and Fix Minimum Area of Old Counties.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4390 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Creation of new counties.

Section 4390. **Creation of New Counties—Debts and Assets Prorated and Minimum Area Fixed.** New counties may from time to time be formed and created in this State from portions of one or more counties, which shall have been created and in existence for a period of more than two years, in the manner set forth and provided in this Act; provided, however, that no new county shall be established which shall reduce any county to an assessed valuation of less than Twelve Million Dollars ($12,000,000.00), inclusive of all assessed valuation as shown by the last preceding assessment; nor shall any new county be established which shall reduce the area of any existing county from which territory is taken to form

Area.

such new county, to less than twelve hundred square miles of surveyed land, exclusive of all forest reserve and Indian reservations within old counties nor shall any new county be formed which contains an assessed valuation of property less than Ten Million Dollars ($10,000,000.00), inclusive of all assessed valuation as shown by the last preceding assessment, of the county or counties from which such new county is to be established, nor shall any new county be formed which contains less than one thousand square miles of surveyed land exclusive of all forest reserve land or Indian reservations, not open for settlement, nor shall any line thereof pass within fifteen miles of the court house situate at the county seat of the county sought

Proviso.

to be divided; provided, that such county line may be run within a distance of ten miles of a county seat in cases where the natural contour of the county, by reason of mountain ranges or other topographical conditions, is such as to make it difficult to reach the county seat, and in

HeinOnline -- 1929 210 1929

such cases a petition, signed by at least fifty-eight per centum (58%), of the voters in the proposed new county, shall be presented to the Judge of the District Court in which the County affected is located, asking for the appointment of a commission of five (5) disinterested persons, who shall determine if the topographical conditions are such as to warrant the fixing of the county division lines closer than at fifteen miles from the county seat, as such boundaries are legally fixed and determined at the date of the filing of the petition or petitions referred to in Section 4393 of the Revised Codes of 1921.

Every county which shall be enlarged or created from the territory taken from any other county or counties shall be liable for a prorata proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken, and shall be entitled to a prorata proportion of the assets of the county or counties from which such territory is taken, to be determined as provided by Sections 4391, 4392 and 4398 of the Revised Codes of Montana, 1921.

Prorated debts and liabilities.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force from and after its passage and approval.

Approved March 11, 1929.

CHAPTER 107.

An Act to Amend Section 1281 of the Revised Codes of Montana 1921, as Amended by Chapter 132 of the Session Laws of the Twentieth Legislative Assembly Relating to the Levy for High School Purposes in Counties not maintaining a County High School.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1281 of the Revised Codes of Montana 1921, as amended by Chapter 132 Session Laws of the Twentieth Legislative Assembly, be, and the same is hereby amended to read as follows:

Section 1281. In any county not maintaining a County High School but in which one or more districts maintain

HeinOnline -- 1929 211 1929

high school classes duly accredited for one (1), two (2), three (3) or four (4) years of high school work by the State Board of Education, a special tax, not exceeding seven (7) mills on each dollar of taxable property in the County, shall be made for the benefit of such Schools. When such levy is to be made, the Chairman of the Board of Trustees in each school district in which an accredited high school has been maintained during the preceding school year shall, on or before the first day of August in each year, recommend and advise the Board of County Commissioners as to the amount of money required, and the Board of County Commissioners shall thereupon fix such a levy not exceeding seven (7) mills, as will raise sufficient money to meet the expenses of such accredited High School for maintenance during the ensuing school year, and the money derived from such levy shall be apportioned by the County Superintendent of Schools to the several districts in which such accredited High Schools are maintained as follows:

Tax.

How levied.

Two-thirds of the total amount in proportion to the number of teachers employed and necessary for the effective instruction of pupils in accredited high school work, and one-third of the total amount in proportion of the total number of days' attendance by pupils doing accredited high school work for the school year next preceding, as determined by the said County Superintendent, provided that the number of teachers allotted to any school for the purpose of such apportionment shall be determined in accordance with a uniform method to be announced by the State Board of Education.

Apportionment of levy.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1929.

HeinOnline -- 1929 212 1929

CHAPTER 108.

An Act to Authorize and Empower Counties, Cities and Towns to Acquire, Establish, Improve, Equip, Maintain and Operate Airports or Landing Fields, and Validate Action Heretofore Taken by Counties, Cities and Towns in This State for Such Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Authority.

Section 1. Counties, cities or towns in this State are hereby authorized to acquire by gift, deed, purchase or condemnation and to establish, construct, own, control, lease, equip, improve, maintain, operate and regulate airports or landing fields for the use of airplanes and other aircraft, and may use for such purpose or purposes any property suitable therefor that is now or may at any time hereafter be acquired, owned or controlled by such county, city or town.

Acquiring of lands.

Section 2. Any lands acquired, owned, controlled or occupied by any county, city or town for the purposes enumerated in Section 1 hereof, shall and are hereby declared to be acquired, owned, controlled and occupied for a public use, and as a matter of public necessity, and such counties, cities or towns shall have the right to acquire property for such purpose or purposes under the power of eminent domain as and for a public use or necessity.

Improvements and supervision.

Section 3. The county, city or town which has established an airport or landing field and acquired property for such purpose may construct, improve, equip, maintain, and operate the same, and for such purpose may create a Board or Body from the inhabitants of such county, city or town for the purpose of conferring upon them and may confer upon them the jurisdiction for the improvement, equipment, maintenance and operation of such airport or landing field. The Board of County Commissioners or City Council, as the case may be, of any county, city or town may adopt rules and establish fees or charges for the use of such airport or landing field, or may authorize such Board or Body having jurisdiction to adopt such rules and establish such fees or charges subject, however, to the approval of the Board of County Commissioners or City Council, as the case may be, of any

HeinOnline -- 1929 213 1929

county, city or town before the same shall take effect. All expenses of such construction, improvement, equipment, maintenance and operation shall be a charge against such county, city or town.

Tax levy.

Section 4. For the purpose of establishing, or maintaining, or operating airports or landing fields under the provisions of this Act the County Commissioners or the City or Town Council, may each year assess and levy in addition to the annual levy for general administrative purposes a tax levy of not to exceed one mill on the dollar of the assessed value of the taxable property of said county, city or town, provided that if such levy be insufficient for the purpose of acquiring, establishing and equipping such airports or landing fields the county, city or town is hereby authorized and empowered to contract an indebtedness on behalf of said county, city or town upon the credit thereof by borrowing money or issuing bonds for such purposes, provided that no money may be borrowed and no bonds may be issued for such purpose until the proposition has been submitted to a vote of the taxpayers affected thereby in the county, city or town, and a majority vote be cast therefor.

Validation of previous acts.

Section 5. All levies and expenditures heretofore made and engagements entered into by counties, cities or towns for the purposes now contemplated by this Act, and all elections held in counties, cities or towns for the purpose of creating indebtedness for acquiring, equipping, maintaining and operating the airports or landing fields wherein a majority of the vote cast at such an election was in favor of such indebtedness are hereby validated and declared to be legally created, entered into and made, and all evidence of such indebtedness are declared to be legal obligation of the county, city or town wherein a majority vote has been cast in favor of such indebtedness.

Section 6. Nothing in this Act shall be construed as repealing Subdivision 84 of Chapter 20 of the Laws of the Twentieth Legislative Assembly.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 8. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1929.

HeinOnline -- 1929 214 1929

CHAPTER 109.

An Act to Amend Section 1013 of the Revised Codes of Montana, 1921, and Section 3 of Chapter 19, Session Laws of 1923, and Chapter 102 of the Session Laws of 1925 Relating to Transfer of Appointment where a Pupil Attends a District or County High School Outside the District or County of his Residence.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1013 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Section 1013. **Transfer of Appointment.** Before children may attend the elementary schools in any district other than the one in which they reside, they must first secure the written consent of the Board of Trustees of the district in which they are to attend the school and also the written consent of the County Superintendent of Schools of the County in which said children reside, and the County Treasurer shall then transfer to the district receiving such pupils all moneys due by apportionment to them.

Written consent to attend.

Section 2. That Section 3, Chapter 19 of the Session Laws of 1923 and Chapter 102 of Session Laws of 1925, be, and the same is hereby amended to read as follows:

Section 3. **High School Attendance. What Pupils Entitled to Attend.** Attendance at any high school, to whose support such money is apportioned in accordance with the provisions of this Act, shall be free to all eligible pupils residing in the county in which said accredited high school is located; provided, however, that the Board of Trustees shall have power to require students in the commercial, manual training, domestic science, scientific and agricultural courses to pay a fee for the use of typewriters and other special equipment and to cover the costs of breakage and material used in the laboratories and shops of the school, which fee shall not exceed the actual cost to the high school of the material used or broken, or the reasonable value of the use of any special equipment. No attendance of a high school student outside of the County of his residence shall be counted in determining attendance except, in cases where a high school student by reason of convenience to his place of residence

High school attendance and what pupils entitled to attend.

HeinOnline -- 1929 215 1929

or by reason of employment or for reasons of vocational training not otherwise available attends a high school in another County, and such attendance is approved by the County Superintendent of Schools of the County of his residence, in which case the County Commissioners of said County must direct the County Treasurer to pay over to the school district, or County High School where the pupil attends a proportionate share of the high school tax levied in said County, the amount to be determined in the manner in which the distribution of high school funds is made in the County in which the students concerned reside.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 11, 1929.

CHAPTER 110.

An Act Relating to Agricultural Seeds, Amending Sections 3594, 3596 and 3602 Revised Codes of Montana of 1921, Concerning the Labeling Requirements of Agricultural Seeds and Mixtures and Concerning Penalties and Prosecutions for Violations of the Law Relating Thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3594 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Labeling of agricultural seed.

Section 3594. **Labeling of Agricultural Seed:** The owner or person in possession of each and every package, parcel, or lot of agricultural seeds, as defined in the preceding Section, which contains one pound or more of such agricultural seeds, whether in package or in bulk, shall affix thereto, in a conspicuous place on the exterior of the container of such agricultural seeds, a written or printed label in the English language in legible type or copy not smaller than eight point heavy Gothic capitals, such label containing a statement specifying:

Kind.

1. The commonly accepted name of the kind or kinds of such agricultural seed.

HeinOnline -- 1929 216 1929

Germination.

2. The approximate percentage of germination of such agricultural seed, together with the date of test of germination. In all cases where hard seeds remain at the end of the germination test, the percentage of such hard seeds shall be stated separately from the germination; with the provisions that any portion or all of them may be added to the percentage of germination.

Weight of purity.

3. The approximate percentage by weight of purity; meaning the freedom of such agricultural seeds from inert matter and from other seeds distinguishable by their appearance.

Weight of sand.

4. The approximate percentage by weight of sand, dirt, broken seeds, sticks, chaff, and other inert matter combined in such agricultural seeds.

Weight of weed seeds.

5. The approximate total percentage by weight of weed seeds; the term "weed seeds" as herein used, being defined as the noxious weeds listed in Section 3594, Subsection 6, and all seeds not listed in Section 3593 as agricultural seeds.

Number per ounce of weed seeds.

6. The name and approximate number per ounce of each kind of the seeds of the following named noxious weeds: Quack grass, fanweed or French weed, wild oats, dodder, Canada thistle and wild mustard, if any such are found in such agricultural seeds in quantities in excess of one in portions of the seed equal to the following:

(a) Five (5) grams of small seeds defined as timothy, red top, tall meadow oat grass, orchard grass, crested dogstail, Canada blue grass, Kentucky blue grass, fescues, brome grasses, perennial and Italian rye grass, western rye grass, crimson clover, red clover, white clover, alsike clover, sweet clover, alfalfa and all other grasses and clovers not otherwise classified;

(b) Twenty-five (25) grams of medium sized seeds defined as millets, rape, flax, and other seeds not specified in (1) or (3) of this Sub-section.

(c) One hundred grams of wheat, oats, rye, barley, buckwheat, vetches and other seeds as large or larger than wheat.

Name of seedman.

7. The full name and address of the seedsman, importer, dealer or agent or of other person or persons, firm or corporation selling, offering, or exposing the said agricultural seed for sale.

HeinOnline -- 1929 217 1929

Label requirements of mixtures of agricultural seeds.

8. **Label Requirements of Mixtures of Agricultural Seeds.** Mixtures of agricultural seeds which contain not more than two kinds of such seeds in excess of five per centum (5%) by weight of each, when sold, offered or exposed for sale as mixtures, shall have affixed thereto, in a conspicuous place on the exterior of the container of such mixture of seeds, a plainly written or printed tag or label, in the English language, stating:

(a) That such seed is a mixture.

(b) The name and approximate percentage by weight of each kind of agricultural seed present in such mixture in excess of five per centum (5%) by weight of the total mixture.

(c) Approximate percentage by weight of weed seeds as defined in Sub-division 6 of Section 3594 of this Act.

(d) The name and approximate number per ounce of each kind of the seeds or bulblets of the noxious weeds listed in Section 3594, Sub-division 6, of this Act, which are present singly or collectively in excess of one seed or bulblet in each fifteen (15) grams of such mixture.

(e) Approximate percentage of germination of each kind of agricultural seed present in such mixture in excess of five per centum (5%) by weight, together with the month and year said seed was tested.

(f) Full name and address of the vendor of such mixture.

Section 2. That Section 3596 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Violation and penalty.

Section 3596. **Violation of Law a Misdemeanor—Penalty**: Any person, firm, or corporation who sells, offers or exposes for sale or distribution in the State any agricultural seeds for seeding purposes, without complying with the requirements of this Act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than One Hundred Dollars ($100.00) and costs of such prosecution, and upon the conviction of the second or any subsequent offense shall be fined not more than Five Hundred Dollars ($500.00) and costs of such prosecution. Provided, however, that no prosecution under this Act shall be instituted except in the manner following: When said Montana Grain Inspector Laboratory shall find by its examinations, analyses, or tests that any person, firm or cor-

HeinOnline -- 1929 218 1929

poration has violated any of the provisions of this Act, it shall give notice of such violations to the vendor or consignee of said lot of seed and at the same time mail a copy of such notice to the person, firm or corporation whose tag or label was found affixed thereto. The Commissioner of Agriculture of the State of Montana shall also be notified of such violation and it shall be the duty of said Commissioner of Agriculture to designate a time and place for a hearing. This hearing shall be private and the person or firm involved shall have the right to introduce evidence either in person, by agent or attorney. If, after said hearing, or without such hearing, in case said person fails or refuses to appear, the said Commissioner of Agriculture decides that the evidence warrants prosecution, he shall furnish the Attorney-General with all the evidence in his possession pertaining to said violation. At the presentation of said evidence of violation, it shall be the duty of the Attorney-General to proceed with prosecution as provided in Section 3602 this Code.

Manner of prosecution.

Section 3. That Section 3602 of the Revised Codes of Montana, be, and the same is hereby amended to read as follows:

Section 3602. It shall be the duty of the Attorney-General or in his discretion he may act through the County Attorney of the County in which said violation occurred, to prosecute all persons, firms, or corporations violating any of the provisions of this Act, when evidence thereof has been duly presented by the Montana Grain Inspection Laboratory, of the Montana Agricultural Experiment Station through the Commissioner of Agriculture, as provided in Section 3596 of this Code.

Duty of Attorney General.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1929.

HeinOnline -- 1929 219 1929

CHAPTER 111.

An Act to Authorize the State Board of Land Commissioners to Receive, Create and Establish State Parks; to Provide for their Public Use and Regulation; to Create and Designate a State Park Director and to Define His Powers and Duties; and to Repeal all Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Public camping ground.

Section 1. The State Board of Land Commissioners may acquire and accept title in the name of the State of Montana by grant, dedication, gift, devise, donation or demise, to land suitable for public camping and public recreational use. The State Board of Land Commissioners is hereby authorized to set aside any suitable tract or tracts of State lands for such purpose. Each of the aforesaid tracts of land shall be set aside and used exclusively for public camping and other recreational purposes, and each park created under the provisions of this Act shall be given an appropriate name by the State Board of Land Commissioners.

State Park Director.

Section 2. There is hereby created a State Park Director who shall supervise all State parks created and established under the provisions of this Act and he shall make such regulations as are necessary for public convenience and the protection, use and preservation of such State parks and public and private property thereon and therein. The State Forester is hereby designated the State Park Director created by this Act and he shall have all of the power granted by this Act to the State Park Director and shall perform all of the duties appertaining to the State parks defined by this Act.

Penalty for injury or damage.

Section 3. **Penalties.** Any person who shall injure or damage in any unusual way any State or private property thereon or therein, or shall violate any of the regulations made by the State Park Director relating to the State parks, shall be guilty of a misdemeanor and shall be fined not more than Five Hundred Dollars ($500.00), or be imprisoned in the County jail for not more than six months.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

HeinOnline -- 1929 220 1929

Section 5. If any section, subdivision, sentence, or clause of this Act be for any reason declared unconstitutional, such declaration or decision shall not affect the validity of the remaining parts of this Act if such parts be sufficient for enforcement.

Approved March 11, 1929.

CHAPTER 112.

An Act to Amend Section 4181 of the Revised Codes of Montana, 1921, Relating to Wage Brokers and Providing Penalty for Violation of Section 4173 to 4180 Both Inclusive.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4181 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Section 4181. Any person, company, corporation or association, and any officer, member, agent or employee thereof violating any or either of the provisions of Sections 4173 to 4180, both inclusive, shall be deemed guilty of a misdemeanor, and upon conviction shall be liable to a fine in the sum of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), for each offense or to imprisonment in the County jail for a period not to exceed ninety (90) days or both, and in addition thereto the debt and accrued interest thereon shall be discharged and the security shall be void.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 11, 1929.

HeinOnline -- 1929 221 1929

CHAPTER 113.

An Act to Amend Section 6573 of the Revised Codes of Montana of 1921, Relating to Persons to Whom Free Transportation May be Issued.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6573 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Elligible persons for free transportation.

Section 6573. **Persons to Whom Free Transportation May Be Issued:** The persons to whom free tickets, free passes, free transportation, and discriminating reduced rates may be issued, furnished, or given are the following, to-wit: (a) The officers, agents, employees, attorneys, physicians, and surgeons of such common carriers of passengers; (b) to the families of the persons included in subdivision (a) hereof; (c) the general officers of any such common carriers; (d) employees of sleeping car and express car companies, and linemen of telegraph and telephone companies, railway mail service, employees, post office inspectors, custom inspectors, and immigration inspectors, newsboys on trains, baggage agents; (e) persons injured in wrecks, and physicians and nurses attending such persons; (f) passengers traveling with the object of providing relief in cases of railroad accident, general epidemic, pestilence, or other calamitous visitation; (g) necessary caretakers of livestock, vegetables, and fruit, including return transportation to forwarding stations; (h) the officers, agents, or regularly accredited representatives of labor organizations, composed wholly of employees of railway companies; (i) inmates of homes for the reform or rescue of the vicious or unfortunate, including those about to enter and those returning home after discharge, and boards of managers, including officers and superintendents of such homes; (j) superannuated and pensioned employees, and members of their families and widows of such members; (k) employees, crippled and disabled in the service of the common carrier of passengers; (l) policemen and firemen of any city, wearing the insignia of their office within the limits of such city; (m) ministers of religion, newspaper employees in exchange for advertising, traveling secretaries of Young Men's Christian Associations, inmates of hospitals and

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charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; (n) indigent destitute and homeless persons, while being transported by charitable societies or hospitals, and necessary agents, employees in such transportation; (o) school children to and from public or parochial schools; (p) the Railroad Commission of Montana, the State Fire Marshal, and their necessary employees, while traveling on official duty. The provisions of this Act shall not be construed to prohibit the interchange of passes for the persons to whom free tickets, free passes, or free transportation may be furnished or given under the provisions of this Section. Nothing in this Act shall be construed to invalidate any existing contract between a street railway company and a city, where a condition of a franchise grant requires the furnishing of transportation to policemen, firemen, and officers while in the performance of official duties.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed, provided, however, that this Act shall not be construed to modify or repeal the provisions of Senate Bill No. 18 approved by the Governor of the State of Montana on February 13, 1929.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1929.

CHAPTER 114.

An Act Amending Section 5909 of the Revised Codes of Montana 1921, Relating to the Filing of Copies of Articles of Incorporation by Corporations.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5909 of the Revised Codes of Montana, 1921, be, and the same is amended to read as follows:

Articles of corporation to be filed in each county where real estate is held

Section 5909. Any corporation which purchases or holds real estate in any county in this State shall file a duly authenticated copy of its Charter or Articles of Incorporation, or a copy of the copy of its Articles of Incorporation filed in the office of the Secretary of State of

HeinOnline -- 1929 223 1929

Montana, duly certified by such Secretary of State, in the office of the County Clerk of each such county, within ninety days after real estate is purchased or otherwise acquired therein, provided such articles have not already been filed. The copies so filed with the several County Clerks and certified copies thereof, shall have the same force and effect in evidence as would the originals. Any corporation failing to comply with the provisions of this Section shall not maintain or defend any action or proceeding in relation to real estate, or the rents, issues, or profits thereof, located in any county where such corporation has failed to file a copy of its Articles of Incorporation until a duly authenticated copy of its Articles of Incorporation shall have been filed in such county; provided, that all corporations shall be liable in damages for any and all loss that may arise by the failure of such corporation to comply with the provisions of this Section, within the time mentioned herein; and provided further, that the said damages may be recovered in an action brought in any court of this State of competent jurisdiction by any party or parties suffering the same. This Section shall apply equally to domestic corporations and to foreign corporations licensed to do business in this State and the penalties for noncompliance shall in either case be those herein provided for and none others.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1929.

HeinOnline -- 1929 224 1929

CHAPTER 115.

An Act to Repeal Sections 12075, 12076, and 12077 of the Revised Codes of Montana of 1921 Relating to Intermediate Sentence and Parole.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sections 12075, 12076, and 12077 of the Revised Codes of Montana of 1921, be, and the same are hereby repealed; provided, however, that such repeal shall not affect any person now imprisoned under any conviction and sentence by any Court of this State.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1929.

CHAPTER 116.

An Act to Amend Sections 3073, 3079 and 3080 of the Revised Codes of Montana of 1921, Providing for the Hours of Labor, Public Works, Public Buildings and Grounds and in Mills, Smelters, Mines, Buildings and on Railroads and Other Tunnels and Fixing the Penalty Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3073 of the Revised Codes of Montana of 1921, be, and the same is hereby amended so as to read as follows:

Violation and penalty.

Section 3073. **Penalty.** Any person or persons, body corporate, agent, manager, or employer, who shall violate any of the provisions of Sections 3071 and 3072 of the Revised Codes of Montana, 1921, shall be guilty of a misdemeanor, and upon conviction thereof for each offense, be subject to a fine of not less than One Hundred Dollars ($100.00) or more than Six Hundred Dollars ($600.00), or by imprisonment in the County Jail for a period of not less than one month, or more than seven months, or by both such fine and imprisonment.

HeinOnline -- 1929 225 1929

Section 2. That Section 3079 of the Revised Codes of Montana of 1921, be, and the same is hereby amended so as to read as follows:

Hours of labor.

Section 3079. **Hours of Labor for State and Municipal Governments, Mines, Mills, Smelters.** A period of eight hours shall constitute a day's work in all works, and undertakings carried on or aided by any municipal, county, or state government, first class school districts, and on all contracts let by them, and for all janitors, except in Court Houses of sixth and seventh class counties, engineers, firemen, caretakers, custodians and laborers employed in or about any buildings, works, or grounds used or occupied for any purpose by any municipal, county, or state governments, school districts of first class, and in mills and smelters for the treatment of ores, and in underground mines, and in the washing, reducing and treatment of coal.

Section 3. That Section 3080 of the Revised Codes of Montana of 1921, be, and the same is hereby amended so as to read as follows:

Violation and penalty.

Section 3080. Penalty. Every person, corporation, stock company, or association of persons who violate any of the provisions of the preceding Section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than Six Hundred Dollars ($600.00), or by imprisonment in the County Jail for not less than thirty days nor more than seven months, or by both such fine and imprisonment.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 12, 1929.

HeinOnline -- 1929 226 1929

CHAPTER 117.

An Act Relating to Corporations, Defining the Duties of the Secretary of State of Notifying Corporations when the Charter will Expire, and Providing for Winding up the Affairs of the Corporation at the Expiration of the Charter, and Providing for the Continuance of the Existence of the Corporation for the Purpose of Winding up its Affairs.

Be it enacted by the Legislative Assembly of the State of Montana:

Duty of Secretary to notify at expiration of charter.

Section 1. It shall be the duty of the Secretary of State to notify every corporation hereafter organized not less than three months, nor more than six months before the date of the expiration of its charter when its charter shall expire, which notice shall be given by registered letter addressed to such corporation at its principal place of business, as it appears from the Articles of Incorporation.

Section 2. If such corporation does not extend the term of its existence as provided by law, or if it is at the expiration of the term of such existence, the corporation shall cease to use the corporate name and its business shall be wound up by the trustees or directors in their names as such trustees or directors.

Resolution for purpose of winding up business.

Section 3. If the directors or trustees of any corporation desire to continue the use of the corporate name and continue the corporate existence for the purpose of winding up the business of such corporation, they shall at a regular meeting, or a meeting called for that purpose, pass a resolution declaring its purpose to continue the corporate existence and the use of the corporate name for the purpose of winding up the business of the corporation only, and file such resolution in the office of the Clerk and Recorder of the County wherein it is located and its office and principal place of business, and file a certified copy thereof in the office of the Secretary of State and pay a fee of five per centum (5%) of the amount paid for filing the original Articles of Incorporation, and the Secretary of State shall thereupon issue a certificate certifying the corporate existence of such corporation is extended for a period of three years for the purpose of winding up its business.

Fee for continuance.

Term.

HeinOnline -- 1929 227 1929

Authority granted by certificate.

Section 4. Upon the issuance of such certificate the directors shall be authorized to use the corporate name for the purpose of winding up the business of such corporation, may transact all such business in the name of the corporation, sue and be sued, make contracts, convey real estate and other property and use the corporate seal, and for the purpose of winding up the business of the corporation, the existence of said corporation shall be extended for a further period of three years.

Section 5. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

Approved March 12, 1929.

CHAPTER 118.

An Act Prescribing Qualifications for County Superintendent of Schools.

Be it enacted by the Legislative Assembly of the State of Montana:

Qualifications for County Superintendent of Schools.

Section 1. No person shall be eligible to the office of County Superintendent of Schools in any county of Montana who, in addition to the qualifications required by the Constitution of the State of Montana, is not the holder of a State Certificate offered by the State of Montana, granted by endorsement upon graduation from a standard normal school, or college, or university; or who is not the holder of a Certificate offered by the State of Montana, designated as a State Certificate granted by examination in accordance with the rules and regulations as prescribed by the State Board of Educational Examiners; and who has not had at least three years successful experience as a teacher, principal or superintendent of public schools. The above qualification shall not prohibit the re-election of present incumbents.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 12, 1929.

HeinOnline -- 1929 228 1929

CHAPTER 119.

An Act to Amend Section 10001 of the Revised Codes of Montana of 1921, Relating to the Duties of the Public Administrator in Handling Estate Moneys.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10001 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Public Administrator to deposit money with County Treasurer.

Section 10001. **Estate Moneys, Escheats, Etc.** It is the duty of every Public Administrator, as soon as he receives the same, to deposit with the County Treasurer of the County in which probate proceedings are pending, all moneys of the estate, and such moneys may be drawn upon the order of the executor or administrator, countersigned by a District Judge, when required for the purposes of administration. It is the duty of the County Treasurer to receive and safely keep all such moneys, and pay them out upon the order of the executor or administrator, when countersigned by a District Judge, and not otherwise, and to keep an account with such estate of all moneys received and paid to him; and for the safe-keeping and payment of all such moneys, as herein provided, the said Treasurer and his sureties are liable upon his official bond. The moneys thus deposited may, upon order of the Court or Judge, be invested, pending the proceedings, in securities of the United States, or of this State, when such investment is for the best interests of the estate. After the final settlement of any estate, if there be no heirs, or other claimants thereof, the County Treasurer must pay into the State Treasury all moneys and effects in his hands belonging to the estate, upon order of the Court or Judge; and if any such moneys and effects escheat to the State, they must be disposed of as other escheated estates.

Withdrawal of funds.

Investing funds.

Escheated funds.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 12, 1929.

HeinOnline -- 1929 229 1929

CHAPTER 120.

An Act to Amend Chapter 100, of the Session Laws of the Twentieth Legislative Assembly of the State of Montana, Defining the Qualifications of Police Officers in Cities and Towns in the State of Montana, Providing for the Creation of Police Reserves, Specifying Salary Limitations Thereon, and Specifying the Limitations of Tax Levies Therefor, Creating a Board of Trustees, Defining Its Powers and Providing for the Investment of Funds and Adding Four New Sections Thereto to be Known as Sections 11, 12, 13, 14 and Renumbering the Sections.

Be it enacted by the Legislative Assembly of the State of Montana:

That Chapter 100 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana, be amended so as to read as follows:

Qualifications for police.

Section 1. The members of the Police Department on the active list of any city at the time of their appointment under this Act shall not be less than twenty-one (21) years of age, nor more than thirty-five (35) years of age, but this restriction shall not apply to any member of any present Police Department, nor to Police Reserves hereinafter provided for nor to honorably discharged soldiers, sailors, and marines of the United States who were in either the Spanish-American War, the Philippine Insurrection, or the late war with Germany and her Allies.

When qualified to be in police reserves.

Section 2. Whenever any member of the Police Department in cities of the first and second class at the time of the taking effect of this Act or thereafter shall have served for twenty-five (25) years or more in the aggregate as a member of such Police Department in any capacity or rank whatever; provided, a police officer serving in the United States Army or Navy, in time of war or national emergency shall be given credit upon his police record for such service in the same manner as though on active police duty for such time or shall have, while in active service reached the age of sixty-five (65) years, he may with the consent of the City Council, pass from the active list of police officers of such city or town and become a member of the police reserves of such city or town.

HeinOnline -- 1929 230 1929

Emergency service for retired member.

Section 3. Policemen or officers on the Reserve list of any city or town of this State shall retire from the active list of police officers of such city or town but shall be subject to call for police service or active duty whenever an emergency shall require or the active list be temporarily insufficient for proper policing of such city or town, all under the rules and regulations as the Board of Police Commissioners or City Council shall prescribe.

Inactive because of injury or disability.

Section 4. Whenever any policeman or officer shall receive injuries or disabilities while on duty, or in active discharge of the duties of a police officer, and in line of duty, which injuries or disability shall, in the opinion of the Board of Police Commissioners or City Council of the city or town, to be of such character to impair his ability as an Active Police Officer, or incapacitate him for the further discharge of his duties, as such, he shall become a member of the police reserves of such city or town in like manner as though he had arrived at the age of transfer to the reserve list of such department.

Monthly payments one-half of salary.

Section 5. Whenever any policeman or officer shall from age or disability become transferred from the active list of the Police Officers of any city or town to the reserve list of such city or town, he shall thereafter be paid in monthly payments from the funds in this Act provided for, a sum equal to one-half (½) the salary he was receiving during the year prior to the time he passed to the police reserve list.

Compensation when sick.

Section 6. Whenever any member of a police department in any city or town, shall on account of sickness or disability, suffered or sustained while a member of such police department, and not caused or brought on by dissipation or abuse, be confined to any hospital or his home, and shall require medical attention and care, the officer of such police department may be, by the city council, allowed his salary as such police officer, during his absence, and an amount equal to his expenses while confined for such injury or sickness.

Tax levy to cover compensation.

Section 7. For the purpose of paying the salaries of policemen who have been placed upon the reserve list, the city or town council, or commissioners, shall in the manner provided for by law, and at the time of the levy of the annual tax, levy such special tax of not to exceed one-half (½) of one (1) mill on the dollar upon the assessed valua-

HeinOnline -- 1929 231 1929

tion of all taxable property within the limits of said city or town, which said tax shall be collected as other taxes and when so collected, shall be paid into the fund created for the payment of salaries of police officers upon the reserve list.

Ordinance when city under 2nd class.

Section 8. Cities other than those in the first and second class may come within the provisions of this Act by duly passing an Ordinance of their desire to come within the provisions of the Act and making the tax levy herein provided for.

Treasurer to retain 1½% of salary.

Section 9. The Treasurer of any incorporated city which may be hereafter subject to the provisions of this Act, shall retain from the monthly salary of all police officers upon the active list, a sum equal to one and one-half per centum (1½%) of the monthly compensation paid each officer for his services as such police officer, the said monthly deduction from the salaries of such police officers, shall be paid into the fund created by the tax levy for the purpose of paying the salaries of police officers upon the reserve list.

Gifts included in fund.

Section 10. All moneys withheld from salaries of police officers for the violation of rules and regulations of such police departments, all bequests, gifts or emoluments, paid or given on account of any extraordinary service of any member of such police department, except when specifically allowed to be retained by such officer by the Mayor, Commissioners and Chief of Police, and all moneys derived from the provisions of this Act, shall be placed in the fund created by the tax levy of taxable property and per centum of salaries withheld from such Police Officers.

Investment of fund.

Section 11. All moneys in said fund in excess of such an amount as shall be deemed necessary from time to time to meet current payments to reserve police officers, shall be invested as hereinafter provided, and all interest on any and all moneys belonging to said fund from whatsoever source derived shall belong to and be paid into said Fund.

Board of trustees.

Section 12. A Board of Trustees of said Fund shall be created in each city or town, having such fund, to consist of the Mayor, Clerk and Attorney of said city or town, and two (2) members of the police department from the active list of the police officers of said city or

HeinOnline -- 1929 232 1929

town, who shall be selected by a majority vote of the members of the police department on the active list of said city or town, the two first selected after the passage of this Act shall be so selected that one shall be selected for a term of two (2) years and the other for a term of one (1) year. That said first selection shall be made between the first and tenth day of May, of the year 1929, and annually thereafter between the first and tenth day of May, one member shall be selected for the term of two (2) years. A certificate of the election of the members or member of the Police Department selected for said Board of Trustees shall be immediately upon such selection being made, certified to the City Clerk of the city or town, by the Chairman and Secretary of the meeting at which selection was made.

Duties of board of trustees.

Section 13. The Board of Trustees of said Fund, shall audit the same from time to time at least twice during each year, and report the condition of said Fund annually to the city or town council on or before the first day of April of each year. And the said Board of Trustees, shall invest the money in said fund from time to time as may be directed by the city or town council. But the money of said Fund shall not be invested in any other than Bonds of the United States or of the State of Montana, or bonds or warrants of the city or town, in which said Fund exists, which are general liabilities of the whole city or town. And said trustees shall make sale of such bonds or securities when desirable and as directed by the city or town council. All such bonds and warrants shall be deemed part of the said fund and shall be kept in the possession of the city or town treasurer, and the treasurer shall be responsible therefor in the same manner as he is for all other moneys or funds of the city or town. Before any member of the Police Department is placed on the reserve list by the city council, the said Board of Trustees of said Fund shall report to the city council in writing their recommendations as to whether or not such member shall be placed upon said reserve list.

Limit of use of fund.

Section 14. Said Fund shall not be used for any purpose whatsoever, other than the payment to members of the police department on the reserve list of the amounts to which they are entitled under the provisions of this Act.

HeinOnline -- 1929 233 1929

Section 15. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 16. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1929.

CHAPTER 121.

An Act Providing for the Registration and Licensing of Motor Vehicles of Non-resident Owners, and Providing for Registration Cards and Identification Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Foreign cars to apply for license.

Section 1. Every motor or other vehicle of the types required to be licensed under the laws of this State which shall enter this State with proof or evidence that it has paid a license fee for the ensuing year under the laws of some other state, or foreign government, shall within seven days after entering the State of Montana obtain a license for operation in this State in accordance with the provisions of this Act.

Contents of application.

Section 2. The owner of such foreign registered motor vehicle shall, upon a form to be prepared and furnished by the Registrar of Motor Vehicles, apply to the Registrar of Motor Vehicles in this State, or such other agency or agencies as may have been designated by the Registrar of Motor Vehicles for registration of such vehicle. Such form or application shall state, in addition to other matters that may be required, the following: The name and model of the car, motor number, tonnage capacity, the name and permanent business and resident address of the owner, number and description of the license already issued to the car.

Registration certificate.

Section 3. Upon receipt of the application duly signed, the Registrar of Motor Vehicles, or his agency, if satisfied as to the truthfulness of the facts therein stated, shall without charge furnish to the applicant a registration certificate, or device, or an identification form, indicating that the holder thereof has complied with the requirements of this Act, and containing such other matters that may be deemed or considered necessary by the

HeinOnline -- 1929 234 1929

Registrar of Motor Vehicles. Such certificate or device so issued shall be valid and authorize the operation of the vehicle so registered within this State without any charge or license fee for a period of three months from the date of its issuance, but not beyond the current calendar year.

If the owner of the motor vehicle shall furnish satisfactory proof that he is not engaged in gainful occupation in the State of Montana, his foreign registration certificate may be extended an additional two months without charge. When extended.

Section 4. The vehicle so registered under this Act shall carry the certificate, or device, or identification, in plain sight in or upon said vehicle at all times when said vehicle is being operated or driven upon the public highways of this State. Display.

Section 5. The Registrar of Motor Vehicles shall file said application for registration by non-resident owners in his office and suitably index the same and keep and maintain filings and indices with reference thereto, which shall be open to inspection by the public during reasonable business hours. File.

Section 6. The Registrar of Motor Vehicles is hereby authorized and empowered to designate and shall appoint and maintain convenient agencies for the purpose of carrying into effect the provisions of this Act, and for such purpose may designate county, city or town officers, or public societies, or clubs, or other civic activities, banks, or other business institutions as agencies therefor, and may establish and promulgate rules and regulations to carry out the purpose and intent of this Act. Agencies.

Section 7. Before any foreign licensed motor vehicle shall be operated on the highways of this State for compensation or profit, the same shall be registered and licensed in this State in the same manner as is required in the case of domestic owned vehicles of similar character not heretofore registered or licensed, provided, however, that when the desired operation of such vehicle in this State for compensation or profit is for a period of not to exceed three (3) months in any calendar year, if such vehicle is duly registered and licensed under the laws of another state, the owner of such vehicle shall make application to the Registrar of Motor Vehicles in this State in Not to exceed three months.

HeinOnline -- 1929 235 1929

manner and form prescribed by that official for the registration and licensing of such a vehicle for the period of time during which it is desired to operate the same, each application shall be accompanied by a fee of Three Dollars ($3.00) for passenger cars and trucks of not more than one ton capacity, Five Dollars ($5.00) for trucks of not more than one and one-half tons capacity, and Ten Dollars ($10.00) for all trucks over one and one-half tons capacity, in addition to an amount equal to one-twelfth (1/12) of the full annual license fee applicable to said vehicle for each month or fraction thereof said vehicle is to be so operated in this State, and if the Registrar of Motor Vehicles is satisfied as to the facts stated in the application, he shall register and license such vehicle for the period stated in the application and assign thereto an appropriate certificate, emblem or device which shall at all times be displayed upon such vehicle when operated or driven upon roads and highways of this State during the period of the life of such license.

Fee.

Display.

Section 8. All foreign registered and licensed motor vehicles shall also carry in plain sight thereon the license plates or device from such other state or foreign country.

Continuance of fee of one-twelfth of regular license each month.

Section 9. Any vehicle licensed or entitled to be licensed under the provisions of this Act that shall continue to operate and run over the highways of this State after the expiration date of the foreign registration certificate herein provided for shall make application to the Registrar of Motor Vehicles of this State for a license or permit to further use and operate said car and for such purpose may be granted a Montana license, paying therefor one-twelfth (1/12) of the regular license fee or charges for such a license for each month it is desired to further continue the operations of said vehicle.

Purpose of act.

Section 10. This Act shall be solely for the purpose of registration and identification of vehicles operated in this State that have paid a license in another state or foreign country, and otherwise than as herein specifically set forth shall not be construed as a repeal of any Acts or parts of Acts having to do with the registration or licensing of automobiles within the State of Montana.

Violation and penalty.

Section 11. Any person operating a vehicle in violation of the intent and purpose of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Ten Dollars ($10.00),

HeinOnline -- 1929 236 1929

or more than Fifty Dollars ($50.00), or confined in the county jail for not more than thirty (30) days, or both such fine and imprisonment.

Section 12. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 13. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1929.

CHAPTER 122.

An Act to Provide for the Appointment of a Crime Commission: Defining its Powers and Duties and Making an Appropriation Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Creation of crime commission.

Section 1. **Creation of Commission.** There is hereby created a temporary commission to be known as the Crime Commission of the State of Montana. Said Commission shall consist of three District Judges appointed by the Chief Justice of the Supreme Court of the State of Montana, and two members appointed by the Governor of the State of Montana, who shall serve without compensation. Vacancies shall be filled in the same manner as the original appointment.

Duties of commission.

Section 2. **Duties of the Commission.** The Commission shall examine the crime situation in Montana with special consideration of the procedure, prosecution and trial of persons accused of crime and of the punishment, pardon and parole of convicted persons and shall recommend to the Legislature of the State of Montana which will convene in the year One Thousand Nine Hundred Thirty-one, its findings and recommendations and drafts of bills necessary to secure the necessary changes which in its opinion will tend to provide this State with a more efficient system for swift and certain administration of criminal justice. Said Commission shall also make recommendations relative to the advisability of appointing a commission to make a further study of any matter affecting the crime situation which in their opinion would aid

HeinOnline -- 1929 237 1929

in the detection, apprehension and speedy and certain punishment of crime.

Expenses.

Section 3. The Commission shall have power to employ such secretaries and clerks as it may deem necessary and fix their compensation, and to authorize such traveling and other expenses as in its judgment may be necessary, all such expenses not to exceed the appropriation hereinafter made.

Hearings.

Section 4. **Hearings.** The Commission may hold hearings, as it may find necessary and may make by its own members, or cause to be made, investigations in this State in respect to the subjects with which it is authorized to investigate.

Appropriations.

Section 5. **Appropriations.**

(a) For the purpose of the Commission there is hereby appropriated, out of the general fund of the State of Montana, and made available out of any funds not otherwise appropriated the sum of Three Thousand Dollars ($3,000.00).

(b) Payments from such appropriation shall be made on vouchers signed by the Chairman of the Commission on a form approved by the State Auditor.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1929.

CHAPTER 123.

An Act to Amend Section 1202 of the Revised Codes of Montana of 1921 Relating to the Common School Levy and Providing for the Making of the Same, and for Payment of Moneys Arising From Said Levy and From Fines.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1202 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Common school levy.

Section 1202. **Common School Levy.** In addition to the provisions for the support of common schools, here-

HeinOnline -- 1929 238 1929

inbefore provided, it shall be the duty of the County Commissioners of each county in the State to levy an annual tax of not less than six nor more than eight mills on the dollar of the assessed value of all taxable property, real and personal, within the county, which levy shall be made at the time and in the manner provided by law for the levying of taxes for county purposes, which tax shall be collected by the County Treasurer at the same time and in the same manner as State and County taxes are collected. For the further support of the common schools, there shall also be set apart by the County Treasurer all moneys paid into the County Treasury arising from all fines for violations of law, unless otherwise specified by law. Such moneys shall be forwith paid into the County Treasury by the officer receiving the same, and be added to the yearly school fund raised by taxing each county and dividing in the same manner.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act is hereby declared an emergency measure and shall be in full force and effect immediately upon its passage and approval.

Approved March 12, 1929.

CHAPTER 124.

An Act to Amend Chapter 209 of Part III of the Political Code of Montana of 1921, by Adding Thereto a Section to be Known as Section 2737A Relating to the Powers and Duties of the State Fire Marshal.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 209 of Part III of the Political Code of Montana, 1921, be, and the same is hereby amended by adding thereto a section to be known as Section 2737A:

Powers of the State Fire Marshal.

Section 2737A. **Powers of the State Fire Marshal.** In addition to the powers heretofore granted, the State Fire Marshal shall have powers as per sections following:

1. The inspection and regulation of moving picture shows and theatres.

HeinOnline -- 1929 239 1929

2. Overseeing the safety of and directing the means and adequacy of exit in case of fire from factories, asylums, hospitals, churches, schools, halls, theatres, amphitheatres, hotels and rooming houses, and all other places where large numbers of persons work, sleep, live or congregate from time to time for any purpose.

3. That the State Fire Marshal shall make at least one inspection during every year, of each state institution, and submit a copy of the report to the Board of Examiners with recommendations in regard to fire protection.

4. The inspection of safety requirements for the construction, installation, equipment, maintenance, and operation of freight and passenger elevators operated for the use of the public in office buildings, stores, hotels, rooming houses, apartments, or in any building frequented by the public.

5. The State Fire Marshal and the Commissioner of Insurance is hereby given power to do all things necessary and convenient for carrying into effect the laws of this State governing Section 2737A and may, from time to time, promulgate necessary rules and regulations for the better protection of the lives and property of the public.

Section 2. Every person, firm or corporation, violating any of the provisions of Section 2737A shall be deemed guilty of a misdemeanor.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect immediately upon its passage and approval.

Approved March 12, 1929.

HeinOnline -- 1929 240 1929

CHAPTER 125.

An Act to Amend Section 9453 of the Revised Codes of Montana of 1921, as Amended by Chapter 22 of the Session Laws of 1925, Relating to the Cure of Defects in Judicial Sales of Real Property.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9453 of the Revised Codes of Montana of 1921, as amended by Chapter 22 of the Session Laws of 1925, be, and the same is hereby amended so as to read as follows:

Judicial sales made valid.

Section 9453. All judicial sales of real property which previous to January 1, 1929, (provided no action is now pending to set such sale aside), where made in this State on proceedings to satisfy valid judgments or decrees of any court and the moneys bidden thereon paid to the officer making such sale, shall be valid and sufficient in law to sustain a Sheriff's deed based on such sale, and when no such deed has been executed, shall entitle such purchaser to such deed; and such deed if now or when executed shall be sufficient to convey all the title of judgment debtor at the time of such sale in the premises so sold to the purchaser at said sale, and all defects or irregularities in the issuance of execution, or the manner of making or conducting the sale, or in the recitals or references in such deed, shall be disregarded and such sale shall not be invalidated by reason of any such defect or irregularity.

Approved March 12, 1929.

HeinOnline -- 1929 241 1929

CHAPTER 126.

An Act to Authorize the State of Montana to Become Indebted in the Sum of Three Million Dollars in Excess of the Constitutional Limitation of Indebtedness and Over and Above Any Bonded Indebtedness Heretofore Incurred or Created and for Which the State of Montana is Now Obligated, for the Construction, Repair, and Equipment of Necessary Buildings, Other Permanent Improvements and the Acquisition of Necessary Grounds Therefor, at the Several Institutions of the State of Montana, Consisting of the State University at Missoula, State College of Agricultural and Mechanic Arts at Bozeman, the Montana State School of Mines, at Butte, the Montana State Normal College at Dillon, the Eastern Montana State Normal School at Billings, and the Northern Montana Agricultural and Manual Training School at Fort Assiniboine, Now Comprised in the University of Montana, and the State Orphans' Home at Twin Bridges, Montana School for Deaf and Blind at Boulder, the Montana State Industrial School at Miles City, the State Vocational School for Girls at Helena, the State Insane Asylum at Warm Springs, the Montana State Tuberculosis Sanitarium at Galen, the State Soldiers' Home at Columbia Falls, and the State Prison at Deer Lodge; Providing for the Issuance of Bonds in the Name of the State of Montana as Evidence of Such Indebtedness and for the Sale Thereof, Prescribing the Form of Such Bonds and Providing for the Levy of an Annual Tax Sufficient to Pay the Principal Thereof and the Interest Accruing Thereon.

Be it enacted by the Legislative Assembly of the State of Montana:

Authorization and purpose of bond issue.

Section 1. That the Legislative Assembly of the State of Montana is hereby authorized and empowered to direct the State Board of Examiners to issue bonds in the name of the State of Montana in an amount not exceeding Three Million Dollars ($3,000,000.00) in excess of the constitutional limitation of indebtedness and over and above any bonded indebtedness heretofore incurred or created and for which the State of Montana is now obligated, the money derived from the sale of said bonds to be used for the purpose of constructing, repairing, and equipping necessary buildings, for other permanent improvements, and for acquiring necessary grounds there-

HeinOnline -- 1929 242 1929

for, at the several institutions of the State of Montana, and consisting of the State University at Missoula, the State College of Agricultural and Mechanic Arts at Bozeman, the Montana State School of Mines at Butte, the Montana State Normal School at Dillon, the Eastern Montana State Normal School at Billings, and the Northern Montana Agricultural and Manual Training School at Fort Assiniboine, now comprised in the University of Montana, and the State Orphans' Home at Twin Bridges, the Montana School for Deaf and Blind at Boulder, the Montana State Industrial School at Miles City, the State Vocational School for Girls at Helena, the State Insane Asylum at Warm Springs, the Montana State Tuberculosis Sanitarium at Galen, the State Soldiers' Home at Columbia Falls, and the State Prison at Deer Lodge.

Section 2. Such bonds shall be issued in series from time to time by the State Board of Examiners upon the direction of the Legislative Assembly of the State of Montana, and at such time and in such amount as may appear to the Legislative Assembly of the State of Montana in the exercise of its judgment and discretion to be for the best interests of the State and necessary for the erection, repair and equipment of necessary buildings, other permanent improvements, and acquisition of necessary grounds, at the institutions designated in the foregoing Section.

How and when issued.

Section 3. Each series of bonds provided for in this Act shall be issued in such denominations as may be determined by the State Board of Examiners at the time the same are authorized to be issued under the provisions of this Act, and shall bear date as of the day of issuance thereof, and shall become due and payable thirty (30) years from that date, and be redeemable at the option of the State at any time after ten (10) years from their date at any interest paying period, and shall bear interest at the rate of not exceeding five per centum (5%) per annum, payable semi-annually on such dates as may be determined and fixed by the State of Montana; provided, however, that for each series of said bonds issued after the issuance of a first series thereof, the State Board of Examiners shall so fix the interest paying dates that the interest thereon will become due and payable on the same date as the interest on such first series of bonds which become due and payable, and in order so to do, the State Board of Examiners may provide that the first interest

Denominations and terms of bonds.

HeinOnline -- 1929 243 1929

shall be due and payable at a date less than six (6) months after the date of the issuance of such series; and provided further that interest only shall be paid on said bonds for the first ten (10) years after their issuance, and that thereafter provision shall be made for a sinking fund adequate for the redemption of said bonds pursuant to their terms.

Form and name.

Section 4. The State Board of Examiners shall prescribe the form of such bonds and the bonds of each series shall bear upon their face the words "State Institutions Bonds of the State of Montana" with a letter or figure to designate the series thereof, and shall be signed by the members of the State Board of Examiners, and the Great Seal of the State of Montana shall be affixed to each bond and the bonds shall be registered in the office of the State Treasurer. Said bonds shall have interest coupons attached thereto covering the interest due semi-annually, which coupons shall be executed with facsimile signatures of all of the members of the State Board of Examiners and the signing of said bond with facsimile signatures shall be recognized as sufficient execution of said coupons on behalf of the State of Montana.

Disposal.

Section 5. The bonds provided for in this Act shall be disposed of by the State Board of Examiners in such a manner as they shall deem for the best interests of the State in carrying out the provisions of this Act; provided that no bond shall be disposed of for less than its par value.

Special fund and purpose.

Section 6. All moneys derived from the issuance and sale of the bonds authorized by this Act shall be paid into the State Treasury, and shall constitute a special fund for the construction, repair, and equipment of necessary buildings and other permanent improvements, and the acquisition of necessary grounds therefor, at the State University at Missoula, the State College of Agricultural and Mechanic Arts at Bozeman, the Montana State School of Mines at Butte, the Montana State Normal School at Dillon, the Eastern Montana State Normal School at Billings, and the Northern Montana Agricultural and Manual Training School at Fort Assiniboine, now comprised in the University of Montana, and the State Orphans' Home at Twin Bridges, the Montana School for Deaf and Blind at Boulder, the Montana State Industrial School at Miles City, the State Vocational School for

HeinOnline -- 1929 244 1929

Girls at Helena, the State Insane Asylum at Warm Springs, the Montana State Tuberculosis Sanitarium at Galen, the State Soldiers' Home at Columbia Falls, and the State Prison at Deer Lodge, and shall be expended only for the construction, repair, and equipment of necessary buildings, other permanent improvements, and the acquisition of necessary grounds therefor, at said institutions, and shall be disbursed by the State Treasurer on warrants properly drawn against such fund by the State Auditor pursuant to the orders of the State Board of Examiners.

Tax levy and purpose.

Section 7. That there shall be levied annually upon all property in the State of Montana subject to taxation an ad valorem tax upon each dollar of the assessed valuation of such property sufficient to pay the interest accruing on said bonds for the first ten (10) years after their issuance, and sufficient thereafter to pay the interest on said bonds and to provide an adequate sinking fund for their redemption. The tax when collected by the County Treasurers of the several counties of the State shall be by them accounted to and paid into the State Treasury of the State of Montana, and by the State Treasurer placed in the "State Institutions Bond Sinking and Interest Fund," which fund shall be used exclusively for the payment of the interest on said bonds, and to constitute a sinking fund for their redemption.

Referendum.

Section 8. There shall be a referendum on this Act and the Secretary of State is hereby required, and it is made his duty to submit this Measure in accordance with Section 2 of Article 13 of the Constitution of the State of Montana and all other provisions of the Constitution and Laws of the State of Montana applicable thereto to the people of the State for their approval or rejection at the General Election to be held in November 1930. The official ballot used at said Election shall have printed thereon the title of this Act, and below the same shall be printed the words:

☐ For The Bond Issue For State Institutions.

☐ Against The Bond Issue For State Institutions.

Each elector shall designate his preference by marking an "X" in the square below the proposition for which such elector desires to vote. The votes cast for and

HeinOnline -- 1929 245 1929

against the law above proposed, shall be counted, returned, and canvassed, and the results shall be determined and declared in the manner provided by the General Election Laws of the State.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1929.

CHAPTER 127.

An Act Relating to the Sanitation of Barber Shops; Defining the Practice of Barbering; Providing the Qualifications for Certificates of Registration as a Registered Barber; Establishing a Board of Barber Examiners and Defining Its Duties and Powers; Requiring that All Barbers and Barber Apprentices After the Passage of This Act Shall be Registered; Providing for the Registration of Barbers and Barber Apprentices and; Providing Certain Penalties for Violation of the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Sanitation.

Section 1. **Sanitation.** All barber shops shall be operated and maintained in a sanitary condition so as to preserve the public health and prevent the spread of disease. The Board herein created and the State Board of Health are empowered to make and enforce all reasonable rules and regulations therefor. No barber or barber apprentice shall receive a certificate of registration nor a renewal of same, until he has presented to the Board a physician's certificate showing him to be free of physical ailments that would tend to endanger the health of the public, and any person practicing barbering without a certificate of registration is guilty of a violation of this Act.

Examination.

Cancellation of certificate.

If a barber or barber apprentice shall after securing his certificate contract a communicable disease, endangering the public health, the Board shall upon proof of same cancel or suspend the certificate until such a time as the barber or barber apprentice can secure a satisfactory physician's certificate.

HeinOnline -- 1929 246 1929

Practice defined.

Section 2. **Practice Defined.** Any one or any combination of the following practices, when done for tonsorial purposes in a regularly established place of business for pay, constitutes the practice of barbering:

Shaving or trimming the beard or cutting the hair;

Giving facial and scalp massage or treatments with oils, creams, lotions or other preparations, either by hand or mechanical appliances;

Singeing or shampooing the hair or applying hair tonic; or dyeing the hair of males;

Applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face or neck.

Section 3. **Qualifications for Certificate of Registration as Registered Barber.** A person is qualified to receive a certificate of registration to practice barbering:

Qualifications for registration.

1. Who has practiced as a registered apprentice for a period of eighteen (18) months under the immediate personal supervision of a registered barber; and who has passed a satisfactory examination conducted by the Board to determine his fitness to practice barbering;

2. Who is a graduate of a school of barbering, and who has passed a satisfactory and practical examination conducted by the Board to determine his fitness to practice barbering.

Present practitioners.

Section 4. **Present Practitioners.** Any person engaged in the practice of barbering in this State at the time this Act goes into effect, provided he furnish a satisfactory physician's certificate, approved by the State Board of Health, shall be granted a certificate of registration as a registered barber without other examination, provided further that such person shall apply for a certificate on or before the first of August, 1929.

Display.

Section 5. **Display of Certificate.** Every holder of a certificate of registration shall display it in a conspicuous place, adjacent to or near his or her work chair.

Board of Barber Examiners.

Section 6. **Board of Barber Examiners, Creation, Qualifications, Appointment and Term of Office.** A Board to be known as a Board of Barber Examiners is established to consist of three (3) members appointed by the Governor. Each member shall be a practical barber who has followed the occupation of barber in this State for at least five (5) years immediately prior to his appoint-

HeinOnline -- 1929 247 1929

ment. The membership of the first Board of Barber Examiners shall serve for three (3) years, two (2) years and one (1) year respectively as appointed, and members appointed thereafter shall serve for three (3) years. The Governor may remove a member for cause.

Officers.

Section 7. **The Officers, Official Seal, Bond.** The Board shall elect a president, secretary and treasurer. It shall adopt and use a common seal for the authentication of its orders and records. The secretary shall keep a record of all proceedings of the Board and shall at least once a month turn over to the treasurer of the Board all moneys collected. The secretary and treasurer shall each furnish a surety bond in the sum of Five Thousand Dollars ($5,000.00), for the faithful performance of his duties; said bond to be filed with the Secretary of State and shall be approved by the Governor.

Bond and seal.

Compensation.

Section 8. **Compensation, Funds and Reports.** Each member of the Board shall receive a compensation of Ten Dollars ($10.00) per day while attending Board meetings together with legitimate and necessary expenses incurred in attending the meetings of said Board.

Funds.

The Board of Barber Examiners shall be self-sustaining financially and no funds of the State shall be paid for the operation and maintenance of said Board. The disbursements of said Board shall be paid upon the warrant of the president and secretary.

Report.

The Board shall make an annual report of its proceedings and moneys expended by it to the Governor of the State for the year ending on the 31st day of December preceding the making of said report.

Powers and duties of board.

Section 9. **Powers and Duties.** The Board shall conduct practical examinations of applicants for certificates of registration to practice as registered barbers, not less than two (2) times each year at such times and places as the Board may determine. Said examinations shall cover the fundamentals of barbering, dermatology and sanitation.

The Board shall issue all certificates of registration.

The Board shall have authority to make necessary rules and regulations for the administration of the provisions of this Act not inconsistent with this Act nor the laws of the State.

HeinOnline -- 1929 248 1929

Violation and penalty.

Section 10. **Penalty.** Any person violating the provisions of this Act shall be guilty of misdemeanor. The Board may, after hearing, suspend or revoke any certificate of registration by reason of any person wilfully violating this Act or willfully failing to conform to the lawful rules and regulations promulgated by the Board.

Fees.

Section 11. **Fees.** The fee to be paid by an applicant for an examination to determine his or her fitness to receive a certificate of registration to practice barbering shall be Fifteen Dollars ($15.00); and for issuance of the certificate, an additional Three Dollars ($3.00). The fee to be paid by an apprentice for certificate of registration shall be the sum of Three Dollars ($3.00).

Each person registered as a barber or barber apprentice shall on or before the first of August of each year renew his certificate and the fee therefor shall be Three Dollars ($3.00).

Registration.

Section 12. **Registration.** After July 1, 1929, no person shall practice or attempt to practice barbering or serve or attempt to serve as a barber apprentice without first having received from the Board of Barber Examiners a certificate of registration.

After July 1, 1929, it shall be unlawful to operate a barber shop unless it is at all times under the direct supervision and management of a registered barber.

Saving clause.

Section 13. **Partial Unconstitutionality.** If any portion of this Act is declared unconstitutional by a court of competent jurisdiction, it shall not affect the validity of the remainder of the Act which can be given effect without the invalid portion.

Approved March 13, 1929.

HeinOnline -- 1929 249 1929

CHAPTER 128.

An Act to Amend Section 3697 of the Revised Codes of Montana, 1921, as Amended by Section 13A of Chapter 59, Laws of the Twentieth Legislative Assembly of the State of Montana Relating to the Open Season for Deer.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3697 of the Revised Codes of Montana, 1921, as amended by Section 13A of Chapter 59, of the laws of the Twentieth Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Open season for deer.

Section 3697. **Open Season For Deer.** That open season for deer shall begin October fifteenth and shall end November fifteenth, both dates inclusive, of each year. The closed season for deer shall begin November sixteenth of each year and end October fourteenth of the following year, both dates inclusive; provided, however, that in all of that portion of Ravalli County drained by the west fork of the Bitter Root River, the open season for deer shall begin with the Twentieth (20th) day of September and end with the Twentieth (20th) day of October, both dates inclusive, of each year; and provided, further, however, that it shall be unlawful and a misdemeanor, punishable as in this Act hereinafter provided, for any person to shoot, hunt, kill, take or capture, or cause to be shot, killed, taken or captured, any deer, at any time within the counties of Yellowstone, Rosebud, Custer, Musselshell, Powder River, Carter, Richland, Roosevelt, McCone, Dawson, Carbon, Phillips, Prairie, Garfield, Petroleum, Treasure, Blaine and Valley, and within all of that portion of Fergus County lying north of the township line between townships eighteen (18) and nineteen (19) and east of the range line between ranges twenty-four (24) and twenty-five (25) in said County, also all of Glacier and Pondera Counties lying within the Lewis and Clark National Forest; and also all of that portion of Gallatin County lying and being north of the south line of township four (4), north, M. P. M. and that part of Big Horn County lying East of 107th Meridian.

Exceptions.

During the closed season for deer it shall be unlawful for any person to take, hunt, shoot, kill or capture, or

HeinOnline -- 1929 250 1929

cause to taken, hunted, shot, killed or captured any deer; during the open season for deer it shall be unlawful for any person to shoot or kill or cause to be shot or killed any deer other than one (1) male deer with horns not less than four (4) inches in length above the top of the skull. Provided, however, that it shall not be unlawful to take one deer of either sex in Mineral, Madison, Glacier, Lake, Flathead, Lincoln, Sanders, Gallatin, and Ravalli Counties. It shall also be unlawful and a misdemeanor punishable as in this Act hereinafter provided, for any person responsible for the death of any deer to wilfully waste any portion or portions of said deer suitable for food.

Sex of deer killed.

Section 2. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished as in this Act hereinafter provided.

Violation and penalty.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 13, 1929.

CHAPTER 129.

An Act Providing for Examination and for Registration of Trained Nurses without Examination, Providing Qualifications and Training Requirements, Providing for Registration Fee and for Renewal of Registration Certificate, Amending Sections 3207 and 3210, Revised Codes of Montana, 1921, and Sections 3211 and 3211A as Amended and Enacted by Chapter 123 Session Laws of 1925.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3207, Revised Codes of Montana, of 1921, be, and the same is hereby amended to read as follows:

Section 3207. Said Board shall provide a schedule of subjects upon which applicants shall be examined to qualify for registration under this Act, which subjects shall include anatomy, physiology, obstetrics and gynecology, surgery, hygiene and bacteriology, materia-medica, medical and contagious diseases, pediatrics, dietetrics, and nursing ethics, and history of nursing.

Subjects covered.

HeinOnline -- 1929 251 1929

Section 2. That Section 3210, as amended by Chapter 123, Session Laws of 1925, be, and the same is hereby amended to read as follows:

Qualifications for applicants.

Section 3210. Applications for registration under the provisions of this Act shall furnish satisfactory evidence that he or she is at least twenty-one years of age, of good moral character, and has been graduated from a training school of nurses connected with a general hospital, approved by the Board, where a systematic course of at least three years instruction is given, except in the cases hereinafter provided for; provided that the Board may grant proper credit upon such three year period to any student for previous training and study under such rules and regulations as the Board may prescribe.

Age.

No training school for nurses shall accept students under eighteen years of age, nor students who have not had a preliminary education of two years of high school, with credits for said work, signed by the principal of an accredited high school on entrance.

Fee.

All persons registered under the provisions of this Act shall pay to the Secretary of said Board a registration fee of Fifteen Dollars ($15.00).

Section 3. That Section 3211, as amended by Chapter 123, Session Laws of 1925, be, and the same is hereby amended to read as follows:

Certificate.

Section 3211. The Governor shall issue a certificate of registration to any person registered under the laws of any other state having requirements for registration equivalent to those of Montana; the Board to be the sole judges thereof.

Section 4. That Section 3211A, added by Chapter 123, Session Laws of 1925, be, and the same is hereby amended to read as follows:

Renewal fee.

Section 3211A. During the month of December of each year, every registered nurse shall renew his or her certificate of registration for the year beginning January first with the Board of Examiners for Nurses, for which renewal a fee of One Dollar ($1.00) shall be paid to the Treasurer of said Board. The Board may grant a renewal without fee for reasons which are satisfactory to it, and upon granting such renewal the Secretary of such Board shall issue a certificate of renewal of registration.

HeinOnline -- 1929 252 1929

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 13, 1929.

CHAPTER 130.

An Act to Amend Section 11 of Chapter 65 of the Eighteenth Legislative Assembly of 1923, as Amended by Chapter 150 of the Nineteenth Legislative Assembly of 1925, and by Chapter 105 of the Twentieth Legislative Assembly of 1927, Relative to Tax on Direct and Collateral Inheritances, Bequests and Devises; and Relating to the Apportionment of Debts and Exemptions as Applied to Estates Located Partly Within and Partly Without Montana; and Providing that the Provisions of this Act shall Apply to all Estates of all Decedents who have Died Since the First Day of June, 1924, and Which Estates Remain Undistributed on the Date When This Act takes Effect, to the Same Extent and in the Same Manner as Though this Act had been in Full Force and Effect at the Dates of Death of such Decedents.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 11 of Chapter 65 of the Eighteenth Legislative Assembly of 1923, as amended by Chapter 150 of the Nineteenth Legislative Assembly of 1925, and by Chapter 105 of the Twentieth Legislative Assembly of 1927, be, and the same is hereby amended to read as follows:

Transfer of stock by foreign executors.

Section 11. (1) **Transfer of Stock by Foreign Executors.** If a foreign executor, administrator, or trustee shall assign or transfer any stocks, bonds, mortgages, or other securities, in this State, or within the jurisdiction of this State, standing in the name of a decedent or in trust for a decedent, liable to any such tax, the tax shall be paid to the treasurer of the proper county or the State Treasurer on the transfer thereof; otherwise the corporation permitting such transfer shall become liable to pay such tax.

(2) **Non-Resident Decedent; Notice of Transfer; Order of Court.** No safe deposit company, bank, or other institution, person or persons, holding securities or assets

HeinOnline -- 1929 253 1929

Non-resident decedent.

of a non-resident decedent, nor any corporation organized under the laws of this State, in which a non-resident decedent held stock, bonds, mortgages, or other securities, at his decease, shall deliver or transfer the same to the executors, administrators or legal representatives of said decedent, or upon their order or request, unless notice of the time and place of such intended transfer be served upon the State Board of Equalization at least ten days prior to the said transfer; nor shall any such safe deposit company, bank, or other institution, person or persons, nor any corporation, deliver or transfer any securities or assets of the estate of a non-resident decedent without retaining a sufficient portion or amount thereof to pay any tax which may thereafter be assessed on account of the transfer of such securities or assets under the provisions of the inheritance tax laws, without an order from the proper Court authorizing such transfer; and it shall be lawful for the State Board of Equalization, personally or by representative, to examine said securities or assets at any time before such delivery or transfer. Failure to serve such notice or to allow such examination or to retain a sufficient portion or amount to pay such tax as herein provided, shall render said safe deposit company, trust company, bank, or other institution, person or persons, or such corporation, liable to the payment of the tax due upon said securities or assets in pursuance of the provisions of the inheritance tax laws. The State Board of Equalization may issue a certificate authorizing the transfer of any such stock, securities or assets whenever it appears to the satisfaction of the said Board that no tax is due thereon.

Notice of transfer.

Penalty for failure to notify.

Debts and exemptions.

(3) **Debts, Exemptions, Etc., to be Apportioned.** Whenever a tax may be due from the estate, or the beneficiaries therein, of any resident or non-resident decedent upon the transfer of any property, when the property or the estate left by such decedent is partly within and partly without this State, or upon any stocks, bonds, mortgages, or other securities representing property or estate partly within and partly without this State, any beneficiary or such estate shall be entitled to deduct only his proper proportion of that portion of the total debts and expenses of administration which the gross estate in Montana or within its jurisdiction bears to the gross estate both within and without this State, but no deduction shall be made for any federal estate, inheritance, succession or transfer taxes paid to the United States. As to

Apportionment.

HeinOnline -- 1929 254 1929

his Montana exemption, each beneficiary shall be entitled to deduct only that portion represented by the ratio between his interest in the property in this State or within its jurisdiction and his interest in the entire estate.

Information to board.

(4) **Information to Board; Retaining Amount of Tax.** The State Board of Equalization shall require such reports and information and shall make such orders, rules, and regulations as it may deem necessary to enable the said board to secure the necessary information from domestic corporations, and to ascertain the amount of and collect such tax; and no holding company or other corporation subject to the provisions of this Section shall deliver or transfer any such stocks, bonds, mortgages, or other securities of a Montana corporation without retaining a sufficient portion thereof to pay any tax which may thereafter be assessed under the provisions of this Act on account of such transfer, except upon order of the proper Court or a certificate of consent of the State Board of Equalization.

Retaining amount of tax.

Penalties.

(5) **Penalties.** Any corporation or holding company violating the provisions of this Section shall be liable to the State for the amount of the tax together with a penalty of ten per centum (10%) thereof.

Retroactive where estate not distributed.

Section 2. This Act is hereby expressly declared to be retroactive and shall apply to all estates where the decedent died on or after the first day of June, 1924, and which estates remain undistributed on the date when this Act is passed and approved.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1929.

HeinOnline -- 1929 255 1929

CHAPTER 131.

An Act Providing for the Regulation and Licensing of Public Dances and Dance Halls Without the Limits of Incorporated Cities and Towns, and Providing Penalties for the Violation Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Definitions.

Section 1. As used in this Act, the term "public dance" shall be construed to mean any dance to which the public generally may gain admission with or without the payment of an admission fee whether said admission fee is paid in the form of club dues, membership fees, or in any other manner. The term "dance hall" shall be construed to mean any room, hall, pavilion, building or other structure kept for the purposes of conducting therein public dances or dancing.

Who may obtain license.

Section 2. No person, co-partnership or corporation shall hold any public dance or conduct or maintain any dance hall without the limits of incorporated cities or towns without having first procured from the Board of County Commissioners of the county in which it is proposed to conduct such dance or dance hall a license so to do. Temporary license of a period not exceeding thirty days may be issued by the Clerk and Recorder of the County in which such dance is to be held. Licenses for dance halls shall be issued by the year or by the quarter, as requested by the applicant. A license for a single public dance shall entitle the holder thereof to conduct such dance only on the day and at the place specified in the license. No license to conduct a public dance or dance hall shall be granted unless the applicant therefor be of good moral character. No license shall be granted to any corporation, but if any dance hall be conducted by a corporation the license shall issue to the manager or other directing head thereof.

Fees.

Section 3. The Board of County Commissioners of each county shall, by a general order, from time to time, fix the fees to be charged for licenses granted hereunder, such fees, however, not to be less than Five Dollars ($5.00) nor more than Twenty-five Dollars ($25.00) for an annual dance hall license, nor less than One Dollar ($1.00) nor more than Five Dollars ($5.00) for a license for a single dance. Single dances held by grange, patriotic, fraternal

Exceptions.

HeinOnline -- 1929 256 1929

organizations or strictly community dances may be held without a permit. The County Commissioners may issue a permit without charge, for grange, patriotic, fraternal or community dances.

Limitations.

Section 4. No immoral, indecent, suggestive or obscene dance shall be given or carried on in any dance hall or any dance licensed hereunder. All buildings, halls, rooms, pavilions or other places in which public dances are carried on, as well as all halls, corridors and rooms leading thereto or connected therewith shall at all times while open to the public, be well lighted.

Lighted.

Rules.

Section 5. The Board of County Commissioners shall have authority to make all proper and necessary administrative rules and regulations for the purpose of carrying into effect the provisions of this Act with respect to the conduct of public dances, and may in its discretion refuse to grant licenses for dance halls to be located at such places or to be conducted at such times as will in their judgment interfere with the comfort and happiness of the community in which such proposed dance hall is to be located.

Peace officers.

All peace officers of the State of Montana shall have free access to public dances and dance halls for the purpose of inspection and to enforce compliance with the provisions of this Act.

Application for license.

Section 6. Applications for licenses hereunder shall be filed with the Clerk of the Board of County Commissioners and be accompanied with a receipt showing the payment to the County Treasurer of a license fee. After determining to grant a license to the applicant, the Board shall notify the Clerk and Recorder, who shall issue the license to the applicant. All licenses granted hereunder shall be kept posted in a conspicuous place on the licensed premises.

Display.

Forfeiting.

Section 7. The license of any public dance hall may be forfeited or revoked by the County Commissioners for disorderly or immoral conduct on the premises.

Duty of officers.

Section 8. The enforcement of the provisions of this Act is enjoined upon every officer and official whose duty it is to enforce the laws of the State.

Violation and penalty.

Section 9. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and

HeinOnline -- 1929 257 1929

upon conviction thereof shall be punished by a fine in any sum not exceeding One Hundred Dollars ($100.00) or by imprisonment for a term not exceeding thirty (30) days or by both such fine and imprisonment.

Approved March 13, 1929.

CHAPTER 132.

An Act Abolishing Liability of Cities and Towns on Account of Accumulation of Snow or Ice on Streets and Public Ways.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. No city or town in this State shall be liable in damage for any negligence or mis-management on its part, or for any negligence or mis-management of the part of any officer, agent, servant, or employee of such city or town in causing, permitting or allowing snow or ice to remain or accumulate on or in any road, street, alley, sidewalk, cross walk, public way, or gutter within said city or town.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1929.

HeinOnline -- 1929 258 1929

CHAPTER 133.

An Act to Amend Sections 4574, 4584, and 4592 of the Revised Codes of Montana of 1921, Relating to Rural Improvement Districts and Providing for Water Systems Within Such Rural Improvement Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4574 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Rural improvement districts.

Section 4574. **Rural Improvement Districts—Creation and Objects.** Whenever the public interest or convenience may require, and upon the petition of sixty per centum (60%) of the freeholders affected thereby, the Board of County Commissioners is hereby authorized and empowered to order and create special improvement districts in thickly populated localities outside of the limits of incorporated towns and cities for the purpose of building, constructing and maintaining sanitary and storm sewers, light systems, waterworks plants, water systems, sidewalks and such other special improvements as may be petitioned for.

Creation and objects.

Section 2. That Section 4584 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Assessment of property.

Section 4584. **Assessment of Property—Apportionment of Costs—Railroads.** To defray the cost of making any of the improvements provided for in this Act, the Board of County Commissioners shall adopt the following method of assessment: The Board of County Commissioners shall assess the entire cost of such improvements against the entire district and each lot or parcel of land assessed in such district to be assessed with that part of the whole cost which its area bears to the area of the entire district, exclusive of streets, avenues, alleys and public places; provided, however, that the Board of County Commissioners in its discretion shall have the power to pay the whole or any part of the cost of any street, avenue or alley intersection out of any funds in its hands available for that purpose, or to include the whole or any part of such costs within the amount of the assessment to be paid by the property in the district. In order to apportion the cost of any of the improvements herein provided for, between the corner lots and inside

Apportionment of costs.

HeinOnline -- 1929 259 1929

lots of any block, the Board of County Commissioners may in the resolution creating any improvement district provide that whenever any of the improvments herein provided for, water systems excepted, shall be along any side street or abutting upon the side of any corner lot or block, that the amount of the assessment against the property in said district to defray the cost of such improvements shall be so assessed that each square foot of the land embraced within any such corner lot shall bear double the amount of the cost of such improvement that a square foot of any inside lot shall bear. Whenever any portion of the surface of a street is kept or used by any person, firm or corporation for railroad or for street railway purposes, the cost and expense of making such improvements between the rails and for one foot on each side thereof shall be paid by the person, firm or corporation owning such railroad, and where double tracks of railroads are laid, such person, firm or corporation shall pay the costs of making such improvement or improvements between such tracks and between all switches and spurs.

Railway systems.

Section 3. That Section 4592 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Maintenance.

Section 4592 **Maintenance of Improvements—Resolution—Change in Maintenance Districts.** Whenever any sanitary or storm sewers, lights or light systems, waterworks plants, water systems, or sidewalks, or any other special improvements petitioned for, have been made, built, constructed, erected or accomplished as in this Act provided, it is hereby made the duty of the Board of County Commissioners, under whose jurisdiction the district was created, adequately and suitably to maintain and preserve said improvements and fully to keep the same in proper repair and operations, by contract, for such period of time or for the execution of a particular work or works, and in such way or manner as the Board shall deem suitable and proper; provided, that the Board shall not let any maintenance contract for a period to exceed three (3) years. The whole cost of maintaining, preserving and repairing of said improvements in any improvement district shall be paid by assessing the entire district in the method provided by Section 4576 of this Code. It shall be the duty of said Board to estimate as near as practicable the cost of maintaining, preserving

HeinOnline -- 1929 260 1929

or repairing the improvements in each district for each year beginning January first; and before the first Monday in September of each year the Board shall pass and finally adopt a resolution levying and assessing all the property within the district within an amount equal to the whole cost of maintaining, preserving or repairing said improvements within the district, and the same shall be proportioned as provided in Section 4576, supra. Said resolution levying assessments to defray the cost of maintenance, preservation or repairs of such improvements shall be prepared and certified to in the manner as near as may be to a resolution levying assessments for making, constructing and installing the improvements in said special improvement districts, and the money collected therefor shall be paid into a fund known as Special Improvement District No. ..... Maintenance Fund, the number of which shall correspond with the number of the Special Improvement District in which the improvements so maintained are situate; and such Fund shall be used to defray the expense of maintenance, preservation or repair of said improvements, and for no other purpose. Any special assessment levied and made for any of the purposes in this Section mentioned, together with all costs and penalties, shall constitute a lien upon and against the property upon which said assessment is made and levied from and after the date of the final passage and adoption of the resolution levying the same, which lien can only be extinguished by payment of such assessment, with all penalties, costs and interest.

Resolution for assessment and levy.

The Board shall have the power not more than once a year of changing, by resolution, the boundaries of any maintenance district. In all maintenance, preservation or repair work, the provisions of this Act as to contracts, bids, and bidders for construction work shall apply as near as practicable, and the same shall be a guide for the proper execution of maintenance contracts.

Changing of districts.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 14, 1929.

HeinOnline -- 1929 261 1929

CHAPTER 134.

An Act Amending Chapter 71 of the Session Laws of the Nineteenth Legislative Assembly of the State of Montana, Relating to Cities having a Population of Twenty Four Thousand (24,000) or More According to the Last Government Census, and Owning and Operating Municipal Water Systems, Empowering Such Cities to Furnish Water to any Factory, Industry and Producer of Farm or Other Products or Inhabitants within Three Miles of the Corporate Limits of Such Cities and Providing that any Person Unlawfully Using Such Water Shall be Guilty of a Misdemeanor, Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 71 of the Session Laws of the Nineteenth Legislative Assembly of the State of Montana be, and the same is hereby amended to read as follows:

Municipal water systems may furnish water to industries within three miles of city limits.

Section 1. The City or Town Council of any city or town within the State of Montana, that owns and operates a municipal water system, to furnish water to the inhabitants of such city or town, as a public utility, shall, in addition to all other powers, have power to furnish water from such water system, to any factory, or other industry, located within the corporate limits of such city or town, or to any factory or other industry located within three miles of the corporate limits of such city or town, at rates established for like use or service to the inhabitants or industries located inside the corporate limits of such city or town, provided that delivery of water by any such city or town to or for the use of any factory or other industry located outside the corporate limits of such city or town shall be made within, or at the boundary line of the corporate limits of such city or town except as hereinafter provided.

Size of city.

The City Council of any city within the State of Montana, having a population of twenty four thousand (24,000) or more according to the last government census, that owns and operates a municipal water system to furnish water to the inhabitants of such city, as a public utility, shall, in addition to all other powers, have power to furnish water from such water system to the inhabi-

HeinOnline -- 1929 262 1929

tants or to any factory, industry or producer of farm or other products located within three miles of the corporate limits of such city, at such rates as to the said City Council may seem just and equitable, and such City Council is further empowered to make collections for furnishing water in the same manner as collections are made within the corporate limits. Rates.

Any person, firm or corporation residing either inside or within three miles of the corporate limits of a city owning a municipal water system which furnishes water as a public utility, who shall wilfully turn on the water after the same shall have been shut off by or under the direction of the said city for non-payment of water charges, or who shall unlawfully take water from such water system shall be guilty of a misdemeanor. Violation and abuse.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1929.

CHAPTER 135.

An Act to Amend Section 2037 of the Revised Codes of the State of Montana, 1921, Relating to Deputies for Assessors.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2037 of the Revised Codes of the State of Montana, 1921, be amended to read as follows:

Section 2037. **Deputies for Assessors.** The Board of County Commissioners may allow the Assessor such a number of deputies to be appointed by him as will, in the judgment of the Board, enable the Assessor to complete the assessment within the time prescribed by law.

Section 2. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. That this Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1929.

HeinOnline -- 1929 263 1929

CHAPTER 136.

An Act to Enable Cities and Incorporated Towns to Regulate and Restrict the Size and Character of Buildings and Structures, the Space Occupied by Them, and the Location and Use Thereof, and to Divide Such Municipalities Into Districts, and to Regulate the Same, and to Provide a Method of Procedure for the Creation of Such Districts and the Making and Enforcing of Regulations, and to Provide for the Appointment of a Zoning Commission and Board of Adjustment, and for the Enforcement of This Act and Any Ordinances or Regulations Made Under Its Authority.

Be it enacted by the Legislative Assembly of the State of Montana:

Grant of power.

Section 1. **Grant of Power.** For the purpose of promoting health, safety, morals, or the general welfare of the community, the City or Town Council, or other legislative body of cities and incorporated towns is hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence, or other purposes.

Districts.

Section 2. **Districts.** For any or all of said purposes the local City or Town Council or other legislative body may divide the municipality into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of this Act; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

Purposes of act.

Section 3. **Purposes in View.** Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the over-crowding of land; to avoid undue concentration of population; to facilitate the

HeinOnline -- 1929 264 1929

adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.

Procedure.

Section 4. **Method of Procedure.** The City or Town Council, or other legislative body of such municipality shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established, and enforced, and from time to time amended, supplemented, or changed. However, no such regulation, restriction, or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing shall be published in an official paper, or a paper of general circulation, in such municipality.

Effect, when

Notice.

Changes.

Section 5. **Changes.** Such regulations, restrictions, and boundaries may from time to time be amended, supplemented, changed, modified, or repealed. In case, however, of a protest against such change, signed by the owners of twenty per centum (20%) or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending one hundred and fifty (150) feet therefrom, or of those directly opposite thereof extending one hundred and fifty (150) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths (¾) of all the members of the City or Town Council or legislative body of such municipality. The provisions of the previous Section relative to public hearings and official notice shall apply equally to all changes or amendments.

Zoning commissioners.

Section 6. **Zoning Commission.** In order to avail itself of the powers conferred by this Act, the City or Town Council or other legislative body, shall appoint a commission, to be known as the Zoning Commission, to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. Such Commission shall make a preliminary report and hold

HeinOnline -- 1929 265 1929

public hearings thereon before submitting its final report, and such City or Town Council or other legislative body shall not hold its public hearings or take action until it has received the final report of such Commission.

Board of Adjustment.

Section 7. **Board of Adjustment.** Such City or Town Council or other legislative body may provide for the appointment of a Board of Adjustment, and in the regulations and restrictions adopted pursuant to the authority of this Act may provide that the said Board of Adjustment may, in appropriate cases, and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purposes and intent and in accordance with the general or specific rules therein contained.

Members.

The Board of Adjustment shall consist of five (5) members, each to be appointed for a term of three (3) years and removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

Rules and duties.

The Board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this Act. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

Appeals by aggrieved party.

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed was taken.

HeinOnline -- 1929 266 1929

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a Court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

Hearing on appeal.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by attorney.

Powers of Board of Adjustment.

The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Act or of any ordinance adopted pursuant thereto.

2. To hear and decide special exceptions to the terms of the ordinance upon which such Board is required to pass under such ordinance.

3. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

In exercising the above mentioned powers such Board may, in conformity with the provisions of this Act, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

Vote necessary to Revise.

The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative offi-

HeinOnline -- 1929 267 1929

cial, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

Appeal to Court of Record.

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board, or bureau of the municipality, may present to a Court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the Court within thirty (30) days after the filing of the decision in the office of the Board.

Writ of Certiorari.

Upon the presentation of such petition the Court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and may be extended by the Court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the Court may, on application, on notice to the Board and on due cause shown, grant a restraining order.

Return.

The Board of Adjustment shall not be required to return the original papers acted upon by it, but shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

Testimony, when necessary.

If, upon the hearing, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the Court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the Court shall be made. The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

Costs on Board.

Costs shall not be allowed against the Board unless it shall appear to the Court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.

HeinOnline -- 1929 268 1929

Section 8. **Enforcement and Remedies.** The City or Town Council, or other legislative body, may provide by ordinance for the enforcement of this Act and of any regulation or ordinance made thereunder. A violation of this Act, or of such ordinance or regulation is hereby declared to be a misdemeanor and such City or Town Council or other legislative body may provide for the punishment thereof by fine or imprisonment or both. It is also empowered to provide civil penalties for such violation.

Enforcement and remedies.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of this Act, or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

Prosecution of act.

Section 9. **Conflict With Other Laws.** Wherever the regulations made under authority of this Act require a greater width or size of yards, courts, or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this Act shall govern. Wherever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts, or other open spaces, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this Act, the provisions of such statute or local ordinance or regulation shall govern.

Conflict with other laws.

Approved March 14, 1929.

HeinOnline -- 1929 269 1929

CHAPTER 137.

An Act to Amend Section 5130 of the Revised Codes of Montana of 1921, as Amended by Chapter 58 of the Laws of the Twentieth Legislative Assembly Relating to the Duties of the Secretary and Treasurer of Fire Department Relief Associations, the Official Bond of Such Treasurer and the Duties of the State Examiner with Reference to the Examination of the Books and Accounts of Such Associations.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5130 of the Revised Codes of Montana of 1921, as amended by Chapter 58 of the Laws of the Twentieth Legislative Assembly, be, and the same is hereby amended to read as follows:

Annual reports of Secretary and Treasurer of Fire Department.

Section 5130. **Annual Report of Secretary and Treasurer, Official Bond of Treasurer and Examination of Books and Accounts.** The Secretary and Treasurer of every Fire Department Relief Association so formed shall annually prepare a detailed report of its receipts and expenditures for the preceding year, showing to whom and for what purpose the money has been paid and expended, and file it with the Association, and a duplicate with the State Auditor. No money shall be paid to the Treasurer of such Fire Department Relief Association until such report is so filed. No one serving as a substitute or on probation, nor any fireman in the City having such Association who is not a member thereof shall be deemed a member of the Association within the meaning of this Act. No Treasurer of any such Association shall enter upon his duties until he has given to the Association a

Bond.

good and sufficient bond of not less than the amount of all funds and securities in the hands of said Treasurer for the faithful discharge of his duties according to law. The amount of such bond to be approved and paid for by such Association. All of the financial books and accounts of such Association with reference thereto shall be subject at all times to examination by the State Examiner. The State Examiner is hereby authorized, empowered and re-

Examination of Books.

quired to make such an examination at least once each year, for which service the Association shall pay to the State Treasurer on or before the first day of July of each

Fee.

year, a fee in the amount of Ten Dollars ($10.00), which

HeinOnline -- 1929 270 1929

shall be credited to the State Examiner's Fund for the use and benefit of the State General Fund. Upon complaint being duly made to him that the money or any part thereof paid under the provisions of this Act to the Treasurer of such Association has been or is being expended for any unauthorized purpose, and if such money upon examination is found to have been expended contrary to the authority given, he shall so report to the Governor, upon whose direction to the State Auditor no further warrants shall be issued to such Fire Department Relief Association Treasurer until the money so expended has been returned.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved March 14, 1929.

CHAPTER 138.

An Act Providing for the Increase of the Rate of Taxation on Real and Personal Property for State Purposes of not to Exceed Three (3) Mills on Each Dollar of Valuation, in Addition to the Levy which is now or may be hereafter Authorized by Section 9 of Article 12 of the Constitution of the State of Montana, for a period of Ten Years Beginning with the Year 1931, and to Authorize and Empower the Legislative Assembly to Levy a Tax for Each Year During Such Period of an Additional Levy of not to Exceed Three (3) Mills on each Dollar of Valuation for the Support, Maintenance and Improvement of the Institutions now Comprised in the Greater University of Montana, Together with the Agricultural Experiment Station and Its Branches and Substations, and the Agricultural Extension Service, Including the Soil Survey and the Grain Laboratory and to Appropriate so much of the Money Derived therefrom for each Year During Said Period as may be Necessary for said Purposes, and Providing for the Submission of this Act to the Qualified Electors of the State of Montana at the next General Election, Describing the Form of Ballots to be Used

HeinOnline -- 1929 271 1929

and the Duties of the Secretary of the State of Montana Relative to the Submission of said Act to the Qualified Electors of Said State.

Be it enacted by the Legislative Assembly of the State of Montana:

Increase of tax rate.

Section 1. That the rate of Taxation on real and personal property for State purposes, as is hereafter defined, for each year for a period of ten years beginning with the year 1931, shall be increased three (3) mills on each dollar of valuation, in addition to the levy which is now or may hereafter be authorized by Section 9 of Article 12 of the Constitution of The State of Montana, and the Legislative Assembly is authorized and empowered to levy an additional tax for State purposes for each of said years of not exceeding three (3) mills on each dollar of valuation for State purposes, and all money derived from said additional levy of three (3) mills for each of said years or so much thereof as may be necessary shall be appropriated by the Legislative Assembly for the support, maintenance and improvement of the State University at Missoula, the State College of Agriculture and Mechanic Arts at Bozeman, the Montana State School of Mines at Butte, the Montana State Normal College at Dillon, the Eastern Montana State Normal School at Billings, and the Northern Montana Agricultural and Manual Training School at Fort Assiniboine, now comprised in the University of Montana, together with the Agricultural Experiment Station and its branches and substations, and the Agricultural Extension Service, including the Soil Survey and the Grain laboratory.

Referendum.

Section 2. There shall be a referendum upon this Act, and the Secretary of State of the State of Montana is hereby required and it is made his duty to submit this Act to the people of the State of Montana for their approval or rejection at the general election to be held in November, 1930, in accordance with the provisions of the Constitution and the laws of the State of Montana relative thereto; the title and number of this Referendum Act shall be printed upon the official ballot used at said election, and below the title shall be printed the words:

☐ For the levy for the University, Agricultural Experiment Stations and Extension Service.

☐ Against the levy for the University, Agricultural Experiment Stations and Extension Service.

HeinOnline -- 1929 272 1929

Each elector shall designate his preference by marking an "X" in the Square before the proposition for which such elector desires to vote.

Section 3. The vote upon this Referendum Act shall be counted and canvassed as is provided by law and if a majority of all votes cast at such election for and against such Referendum Act shall be in favor of the Act, the Governor of the State of Montana shall immediately so declare by public proclamation.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 15, 1929.

CHAPTER 139.

An Act to Amend Section 2753 of the Revised Codes of Montana 1921, and by Adding New Sections to be Known as Sections 2753a, 2753b, 2753c, and 2753d, Relating to Removal of Dangerous Structures and Combustible Material, and to Proceedings for the Abatement of Such Dangerous Structures or Combustible Materials.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2753 of the Revised Codes of Montana 1921, be, and the same is hereby amended to read as follows:

Section 2753. Any building or other structure which for want of proper repair, by reason of age, dilapidated condition, defective or poorly installed wiring and equipment, defective chimneys, defective gas connections, defective heating apparatus, or for any other cause or reason is especially liable to fire, and which building or other structure is so situated as to endanger other buildings and property in the vicinity, is hereby declared to be a public nuisance. If the State Fire Marshal, a Deputy State Fire Marshal or any officer mentioned in the preceding Section, upon an examination or inspection, finds

Dilapidated buildings, when and how declared a nuisance.

HeinOnline -- 1929 273 1929

that a building or other structure, which for want of proper repair, by reason of age and dilapidated condition, defective or poorly installed electric wiring or equipment, defective chimneys, defective gas connections, defective heating apparatus, or for any other cause or reason, is especially liable to fire, and which building or other structure is so situated as to endanger other buildings or property in the vicinity, such officer should order such structure to be repaired, torn down or demolished, all materials removed and all dangerous conditions remedied.

Order.

Such order shall be in writing, shall recite the grounds therefor and shall be filed in the office of the Clerk of the District Court of the County in which the building or structure, so ordered to be altered, repaired or demolished is situated, and thereupon all further proceedings for the enforcement thereof shall be had in said Court. A copy of the order filed as aforesaid together with a written notice that the same has been so filed and will be put in force unless the owner, occupant or tenant shall file with the Clerk of the said Court his objections or answer thereto within the time specified in the next succeeding Section, shall be served upon the owner of the building or structure so directed to be altered, repaired or demolished; and if there be a tenant occupying the building service shall also be made upon such occupant. Such service shall be made upon such owner and occupant, if there be one, personally either within or without the State; but if the whereabouts of such owner is unknown and the same cannot be ascertained by the State Fire Marshal by the exercise of reasonable diligence, then upon his filing in the office of the Clerk of the District Court his affidavit to this effect, service of said notice upon such owner may be made by the Clerk of the District Court by publication of the same once in each week for three successive weeks in a newspaper printed and published in the County in which such building or structure is located and by posting a copy thereof in a conspicuous place upon said building or structure, and the service so made shall be deemed to be complete upon the expiration of the said publication period. Proof of service of said notice shall be filed in the office of the Clerk of the District Court within five days after the service thereof.

When in writing and filed.

Objections.

Service.

Publication of service.

Section 2753-A. The owner of any building so condemned, or any occupant or lessee upon whom such notice

HeinOnline -- 1929 274 1929

Time for objections and answer.

or order shall be served, within twenty days from the date of such service, as herein provided, may file with the Clerk of the District Court and serve upon the said State Fire Marshal, a Deputy State Fire Marshal or any officer mentioned in Section 2752 of the Revised Codes of Montana 1921, written objections to said order in the form of a verified answer, denying the existence of any of the facts therein cited which he desires to controvert. If no answer is so filed and served the owner and all other persons in interest shall be deemed to be in default and thereupon the Court shall affirm the order of condemnation and direct the State Fire Marshal to proceed with the enforcement thereof; but if an answer be filed and served as herein provided the Court shall hear and determine the issues so raised and give judgment thereon as herein provided.

Hearing.

Section 2753-B. The Court, upon application of the State Fire Marshal, Deputy State Fire Marshal or any office mentioned in Section 2752 of the Revised Codes of Montana 1921, shall make its order fixing a time and place for such hearing, which time shall be within twenty days from the date of the filing of the answer or as soon thereafter as the matter may be heard. If, upon such trial the order shall be sustained judgment shall be given accordingly and a time shall be fixed within which the building or structure shall be altered, destroyed or repaired, as the case may be, in compliance with such order, but otherwise the Court shall annul or set aside the order of condemnation.

Report of sale or salvage.

Section 2753-C. If the owner or other party in interest shall fail to comply with the order of condemnation of a building or structure, as herein provided, within the time fixed by the Court, in case a trial is had therein, then the State Fire Marshal shall proceed to cause such building or structure to be altered, repaired or demolished in accordance with the directions contained in such order; and where a building or structure is demolished in accordance with such order he may sell or dispose of the salvaged materials therefrom at public auction upon five days posted notice. He shall keep an accurate account of the expenses incurred in carrying out the order and shall credit thereon the proceeds of such salvage sale, if any, and shall report his action thereon with a statement of said expenses or the balance thereof, the expense incurred by him and the amount, if any, received from such sal-

HeinOnline -- 1929 275 1929

vage sale, to the Court for approval and allowance; and thereupon the Court shall examine, correct if necessary and allow said expense account; and said amount so allowed shall constitute a lien against the real estate on which said building or structure is or was situated, and if the amount thereof is not paid by the owner or other party in interest within six months after the account has been examined and approved by the Court as aforesaid the real estate upon which said building or structure is or was situated shall be sold under proper order of court by the Sheriff of the County in which the same is situated in the manner provided by law for the sale of real estate upon execution and the proceeds of said sale shall be paid into the State Treasury and credited to the fund of the State Fire Marshal. If the amount received as salvage or on sale shall exceed the expense incurred by the State Fire Marshal the Court shall direct the payment of the surplus to the owner or the payment of the same into Court for his use and benefit.

Surplus after sale.

Section 2753-D. If the State Fire Marshal, Deputy State Fire Marshal or any officer mentioned in Section 2752 Revised Codes of Montana 1921, finds in a building or upon any premises any combustible or explosive material, any rubbish, rags, waste, oils, gasoline or inflammable conditions of any kind dangerous, to the safety of such building or premises, buildings or property, such officer should order such materials removed or dangerous conditions remedied. Such order should be in writing and directed generally to the owner, lessee, agent or occupant of such building or premises, and any such owner, lessee, agent or occupant upon whom such notice shall be served, who shall fail to comply therewith within twenty-four hours thereafter, unless the order prescribes a longer time within which it may be complied with, shall be guilty of a misdemeanor and said material may be removed or dangerous condition corrected at the expense of the owner of such building or premises or at the expense of the person upon whom such service is so made, or both and said State Fire Marshal, Deputy State Fire Marshal or other office mentioned in Section 2752 of the Revised Codes of Montana 1921 may maintain all necessary actions for the recovery thereof.

Dangerous material.

Penalty.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 15, 1929.

HeinOnline -- 1929 276 1929

CHAPTER 140.

An Act Authorizing the Board of School Trustees of any School District to Issue Warrants in Excess of the Available Funds of the District and in Excess of the Amount of Taxes Levied by Said District for the Current School Year and not Yet Collected, and to Authorize Such Boards of School Trustees to Issue Bonds for the Purpose of Funding All Indebtedness Represented by Bonds Outstanding on July 1, 1929.

Be it enacted by the Legislative Assembly of the State of Montana:

Powers of Board of School Trustees.

Section 1. The Board of School Trustees of any school district in the State of Montana shall have, and are hereby given, in addition to the powers already conferred upon them, authority, whenever at any time such district shall have a floating indebtedness incurred on or before July 1, 1929, for teachers' salaries, school supplies and other necessary expenses incurred in the maintenance of schools in such district represented by warrants heretofore issued, or hereafter issued for the school year ending June 30, 1929, as provided in Section One of this Act, whether in excess of funds on hand and anticipated revenues or otherwise to fund such indebtedness and to issue either negotiable ten year amortization bonds or ten year serial bonds therefor and to pledge the credit and resources of the district for the payment of the principal and interest of such bonds.

May take care of Indebtedness.

Conditions of refunding bonds.

Section 2. The funding bonds authorized by this Act shall be issued under the following conditions, to-wit:

1. When there is not sufficient money to the credit of said school district applicable to the payment of any such outstanding indebtedness; and

2. When, in the judgment of the Board of School trustees, to levy and collect a tax for the purpose of paying such indebtedness would be a hardship and burden to said school district;

Provided, it shall not be necessary to submit the question of the issuance of such bonds to fund such indebtedness to the vote of the electors of such district.

Resolution.

Section 3. The Board of School Trustees shall, by resolution, declare that the existing indebtedness shall be funded by the issuance of bonds, which said resolution

HeinOnline -- 1929 277 1929

shall describe the amount and kinds of the indebtedness which is to be funded and declare and certify as to the validity of such indebtedness, which resolution and certificate shall be conclusive against the district as to the validity of the indebtedness so funded in favor of innocent holders of said bonds.

Rate of interest.

Section 4. The Board of School Trustees shall, by resolution, fix the rate of interest which said bonds shall bear, not exceeding six per centum (6%), payable semi-annually; the time of payment not exceeding ten (10) years after date; if redeemable before maturity, the date thereof; and shall prescribe the denomination and form thereof; such bonds shall bear the signature of the Chairman of the Board of Trustees and shall be signed by the Clerk of said district; and the coupons attached to the bonds shall be signed by the said Chairman and Clerk, provided a facsimile of the signature of the Chairman and Clerk may be affixed to the coupon, only when so recited in the bonds, and the corporate seal of the school district shall be affixed to each of the bonds. Upon execution, the bonds shall be deposited with the County Treasurer, who shall register the same in a book provided for that purpose, which shall show the number and amount of each bond, its date, the date payable and redeemable, and the person to whom the same is issued, and the County Treasurer shall deliver the same to the person or persons, who shall surrender an amount of warrants which, with accrued interest, shall equal the par value of such bonds, and said warrants so received by the Treasurer shall be duly cancelled.

Registration with Treasurer.

Tax levy.

Section 5. The Board of School Trustees shall provide for a tax levy to pay the principal and interest of said bonds as they mature, in accordance with the provisions of Sections 25, 26, and 27 of Chapter 147, Acts of the Twentieth Legislative Assembly.

Sale of bonds.

Section 6. When the Board issues any bonds authorized by this Chapter, it is its duty to sell the same and they shall give notice by advertising in some newspaper published in this State at least once a week for four consecutive weeks, the date of the first publication to be not less than thirty (30) days prior to date of sale, such advertisement must state the date, hour and place where such sale will take place and shall describe the bonds to be sold, giving the amount, denomination, rate of interest,

HeinOnline -- 1929 278 1929

time payable, time redeemable, and purpose of the proposed bond issue. The Trustees are authorized to reject any and all bids and sell such bonds at private sale if they deem it for the best interest of the district, the proceeds from the sale of such bonds to be used wholly for the purpose of taking up and retiring the outstanding indebtedness of the district as described in the resolution provided by Section 3 of this Act; provided, however, that the Board may, if in its opinion it would be to the best interests of the district so to do, effect an exchange of such school district bonds to take up such legal outstanding indebtedness by issuing the same to any person or persons holding the school district warrants or just claims against the school district as set forth in the resolutions as provided in Section 3 of this Act, the exchange to be made dollar for dollar.

Section 7. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 8. This Act shall be in full force and effect on and after its passage and approval.

Approved March 15, 1929.

CHAPTER 141.

An Act to Amend Subdivisions (c) Section 1, Section 2, Section 3, and Section 6, Chapter 154, Session Laws of Montana, 1923, as Amended by Chapter 103, Session Laws of Montana, 1925, Relating to the Regulations of the Transportation of Persons and Property by Motor Vehicles Within the State of Montana, by Making Said Act Applicable to Common Carriers Operating Within or Without the Limits of Municipal Corporations; Establishing a Prima Facie Rule of Evidence for Operators and Correcting the Language of Said Original Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That subdivision (c) Section 1, Chapter 154, Session Laws of Montana 1923, shall be, and the same is hereby amended to read as follows:

Subdivision (c) The term "Transportation Company" when used in this Act means every corporation, person,

HeinOnline -- 1929 279 1929

Definition of transportation company.

lessee, trustee, receivers, or trustees appointed by any Court whatsoever, owning, controlling, operating or managing any motor vehicle, motor truck, motor bus, bus trailer, semi-trailer, or other trailer in connection therewith used in the business of a common carrier for compensation over any public highway in this State between fixed termini or over regular or irregular routes within or without the limits of any incorporated city or town and shall also include any person, firm or corporation maintaining a public motor vehicle stand, or any sign, symbol or device on vehicle or clothing or any advertisement holds forth transportation for compensation or solicits the transportation of persons or property for compensation among the public at trains, hotels, or other public places.

Any person, firm or corporation maintaining a public motor vehicle stand, or by sign, symbol, or device on vehicle or clothing, or by advertisement holds forth transportation for compensation, or solicits the transportation of persons or property for compensation among the public at trains, hotels, or other places, or solicits for trips for compensation shall be deemed, prima facie, a "Transportation Company" subject to this Act, and the burden of proof shall be on such person, firm or corporation to disprove said status.

Section 2. That Section 2, Chapter 154, Session Laws of Montana, 1923, shall be, and the same is hereby amended to read as follows:

Purpose.

Section 2. No transportation company, as defined in Section 1 of this Act, their lessees, trustees, receivers, trustees appointed by any Court whatsoever, shall operate any motor vehicle, motor truck, motor bus, bus trailer, semi-trailer, or other trailer in connection therewith as a common carrier for compensation over any highway or public highway in this State except in accordance with this Act.

Section 3. That Section 3, Chapter 154, Session Laws of Montana, 1923, shall be, and the same is hereby amended to read as follows:

Powers and duties of Railroad Commissioners.

Section 3. The Board of Railroad Commissioners of the State of Montana are hereby authorized to supervise every transportation company, as defined in Section 1 of this Act, and on complaint to inquire into rates, fares, and charges to be charged by such transportation com-

HeinOnline -- 1929 280 1929

pany, and to prescribed in each case so brought before said Commission an equitable rate, fare, or charge and to require such transportation companies to provide adequate facilities for conveyance and transportation and to regulate the service and safety of operation of each such transportation company, to require such transportation company to file annual reports and from time to time to furnish such other data as said Board may require in order to administer this Act; provided, however, that such Board of Railroad Commissioners of the State of Montana shall not have the authority to limit the number of transportation companies as defined in Section 1 of this Act operating within the limits of an incorporated city or town and shall not have the authority to prescribe or fix the rates, fares or charges made by such transportation companies.

Section 4. That Section 6, Chapter 154, Session Laws of Montana, 1923, as amended by Chapter 103, Session Laws of Montana, 1925, shall be, and the same is hereby amended to read as follows:

Section 6. No certificate shall be issued or remain in force unless the holder thereof shall comply with such rules and regulations of the Board as it shall adopt governing the filing of bonds, policies of insurance, or such security or agreement in such form and adequate amount and conditioned as the Board may require for the payment of any final judgment which may be rendered against any such transportation company arising out of the death of or injury to any passenger or injury to other persons or property as a result of any negligent operation of the motor vehicles of such transportation company, with power in the Board to permit self-insurance whenever, in its opinion, the financial ability of the transportation company warrants.

Compliance with rules and regulations.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 15, 1929.

HeinOnline -- 1929 281 1929

CHAPTER 142.

An Act to Amend Section 4465 of the Revised Codes of Montana, 1921, By Adding Thereto Sub-Section 28 Providing for Garbage and Ash Collection Districts Contiguous to Cities and Provide for Millage to Carry Out the Provisions of this Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4465 of the Revised Codes of Montana of 1921, is hereby amended by adding thereto a sub-section to be numbered and designated Sub-Section 28 and which shall read as follows:

Garbage and ash districts.

Sub-Section 28. To create, abolish, and change garbage and ash collection districts in thickly settled areas contiguous to corporate limits of cities and not included therein. Such districts shall be created under rules to be promulgated by the said Board, which rules shall provide for petition on the part of taxpaying freeholders residing within such areas, for the survey of proposed districts by the County Health Officer as to boundaries and methods for disposal of garbage and ashes within such districts.

Tax levy.

Sub-Section 29. The Board of County Commissioners when authorized by a majority petition of the proposed district are hereby authorized and empowered to levy not to exceed three (3) mills to carry out the provisions of the Act.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 15, 1929.

HeinOnline -- 1929 282 1929

CHAPTER 143.

An Act to Amend Section 2238 Revised Codes of Montana, 1921, As Amended by Chapter 102, Session Laws of 1923, and Chapter 24, Session Laws of 1925, Relating to the Collection of Personal Property Taxes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2238 of the Revised Codes of Montana, 1921, as amended by Chapter 102, Session Laws, 1923, and Chapter 24, Session Laws, 1925, be, and the same is hereby amended to read as follows:

Duty of Assessor to make reports on property to Treasurer.

Section 2238. **Duty of Assessor.** It shall be the duty of the Assessor, upon discovery of any personal property in the County, the taxes upon which are not in his opinion a lien upon real property sufficient to secure the payment of such taxes, to immediately, and in any event not more than ten days thereafter, make a report to the Treasurer, setting forth the nature, amount and assessed valuation of such property, where the same is located, and the name and address of the owner, claimant, or other person in possession of the same, and where such personal property is located in any city or town, which shall have provided by Ordinance for the collection of its taxes for general, municipal and administrative purposes by its city or town treasurer, also and at the same time furnish to said city or town treasurer at the same time a duplicate of such notice to the County Treasurer. The County Assessor shall also file with the State Board of Equalization a duplicate of all such reports so made to the County Treasurer.

Equalization Board.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 15, 1929.

HeinOnline -- 1929 283 1929

CHAPTER 144.

An Act to Amend Section 1213 of the Revised Codes of Montana of 1921 Relating to the Duties of County Treasurers with Respect to School District Funds.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1213 of the Revised Codes of Montana be, and the same is hereby amended to read as follows:

Duties of Treasurer.

"Section 1213. **Duties of County Treasurer.** It shall be the duty of the county treasurer of each county:

Hold moneys.

1. To receive and hold all school moneys and to keep a separate account of their disbursements to the several school districts which shall be entitled to receive them according to the apportionment of the county superintendent.

Statements to Trustees.

2. To render quarterly, beginning September first, to each board of trustees, through its chairman, an itemized statement of warrants paid and moneys received for the district for the preceding quarter.

Notify Superintendent.

3. To notify the county superintendent of public schools of the amount of county school fund in the county treasury subject to apportionment whenever required, and to inform said county superintendent of the amount of school moneys belonging to any other fund subject to apportionment.

Pay warrants.

4. To pay all warrants drawn on county or district school moneys in accordance with the provisions of this chapter, whenever such warrants are countersigned by the district clerk and also countersigned by the county superintendent as provided in Section 1019, of this Code.

Handling of funds.

5. To keep in a separate fund the proceeds of any levy made to cover expenses of schools for any part of the succeeding school year and no warrants shall be paid out of said funds for the preceding school year either before or after the fund is transferred. At the beginning of the school year for which the fund is raised it shall be transferred to the general fund of the district.

6. To receive all interests and penalties on all delinquent school taxes and credit the same to the fund and district for which the original taxes were levied.

HeinOnline -- 1929 284 1929

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage.

Approved March 15, 1929.

CHAPTER 145.

An Act to Amend Section 1203 of the Revised Codes of Montana of 1921 Relating to Special School Tax.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 1203 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

"Section 1203. On or before the second Monday in July the board of trustees of each school district shall certify to the county commissioners the amount of money needed by the district, over and above the amount apportioned to it by the county superintendent under the provisions of section 1204 of this code to maintain the schools of said district, to furnish such appliances and apparatus as may be needed, and, in districts of the first and second class, to maintain a school term of at least nine months in each year; the trustees of each school district shall at the same time in addition to the foregoing separately certify the amount of money needed to maintain the schools of the district, to furnish additional facilities, appliances and apparatus as may be needed, to maintain the schools of the district from July 1st to November 30th of the next succeeding year; providing no part of said additional funds shall be used by the district for any school purpose during the year in which the certification is made; in case the board of trustees of any school district shall fail to certify the amount they are required to certify to the board of county commissioners at the time herein specified, the county superintendent shall ascertain the amount of money needed by the district for such purposes, and advise the county commissioners, on or before the time designated by law for the levy of tax, of the amount required by such school district; and the board of county

Trustees to certify to Commissioner: amount needed.

Superintendent to Certify when Trustees fail.

HeinOnline -- 1929 285 1929

Special tax.

commissioners shall thereupon levy a special tax for such purposes, not exceeding ten mills per dollar on the taxable property of the district, such tax to be levied at the same time and in the same manner that other taxes are levied, and the amount of such special tax shall be levied upon each taxpayer of such district, and shall be collected in the same manner as other county and state taxes; the amount collected for the current year and the amount collected for the succeeding year shall be segregated and carried as separate funds by the county treasurer, provided however, that for the purpose of bringing this Act into practical operation, the Board of County Commissioners may levy an additional levy of not to exceed three mills to cover the period from July 1, 1930 to November 1, 1930; provided that all unexpended balances remaining to the credit of any school district on July 1st shall be available for use of such school district during the ensuing year.

Carrying of funds.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 15, 1929.

CHAPTER 146.

An Act to Amend Section 835 of the Revised Codes of Montana, 1921, and to Authorize the State Board of Education to Hold Meetings of the Board at Places Other Than the State Capitol.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 835 of the Revised Codes of Montana, 1921, be, and the same is hereby, amended to read as follows:

Section 835. **Meetings.** The Board shall hold quarterly meetings at the State Capitol or at any other town or city in the State of Montana in or near which may be located any of the institutions under its jurisdiction, on the first Monday in April, July, September and December in each year, and may hold special meetings at any time and place it may direct. The president and secretary of the board may also call special meetings of said board

Meetings of Board of Education.

HeinOnline -- 1929 286 1929

at any time and place, if in their judgment necessity requires it. The secretary of the board shall notify the members of all regular and special meetings. The members of said Board shall receive no compensation for their services but shall be allowed their actual expenses, incurred in attending the meetings of the board, which expense and all other expenses, on the certificate of the secretary of the board, shall be audited and approved by the State Board of Examiners and paid by warrant of the State Auditor on the State Treasurer. Compensation.

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are herewith repealed.

Approved March 15, 1929.

CHAPTER 147.

An Act to Amend Section 6708 of the Revised Codes of Montana, 1921, by Providing that Leases or Grants of any Town or City Lot for a Period Not Longer than Seventy-Five Years Shall be Valid.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6708 of the Revised Codes of Montana, 1921, be and the same is hereby amended so as to read as follows:

Section 6708. No lease or grant of any town or city lot for a period longer than seventy-five years in which shall be reserved any rent or service of any kind shall be valid.

Approved March 15, 1929.

HeinOnline -- 1929 287 1929

CHAPTER 148.

An Act Providing for a Budget System for Making and Controlling County Estimates, Tax Levies and Expenditures, Providing Penalties for the Violation Thereof, and Repealing Sections 224 to 230 Inclusive, Revised Codes of Montana 1921, and All Other Acts and Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Reports of officials.

Section 1. On or before the first day of July of each year the county clerk and recorder of each county shall notify in writing each county official, elective or appointive, in charge of an office, department, service or institution of the county to file with such county clerk and recorder, on or before the tenth day of July following, detailed and itemized estimates, both of the probable revenues from sources other than taxation, and of all expenditures required by such office, department, service or institution for the current fiscal year. The county commissioners shall submit to the county clerk and recorder the estimate of expenditures for all purposes for such board, and a detailed statement showing all new road and bridge construction to be financed from county road and bridge funds, any special road district funds, and from any special highway fund, and from bond issues theretofore issued or authorized, if any, for the current fiscal year, together with the cost thereof as computed by the county surveyor, or if for construction in charge of a special engineer then by such engineer, and it shall be the duty of the county surveyor and any such special engineer to prepare such estimates of cost for the county commissioners. They shall also submit a similar statement showing road and bridge maintenance expenditures as nearly as can be estimated.

Estimate of expenditures.

Expenditures for construction or improvements.

The county commissioners shall also submit to the county clerk and recorder detailed estimates of all expenditures for construction or improvement purposes proposed to be made from the proceeds of bond issues not yet authorized and from the proceeds of tax levies which are required to be submitted to and approved at an election to be thereafter held.

How submitted.

The estimates required in this Section shall be submitted on forms provided by the county clerk and re-

HeinOnline -- 1929 288 1929

corder, and prescribed by the State Examiner, and may only be varied or departed from with permission and approval of said officer. The county treasurer shall prepare the estimates for interest and debt reduction. The county clerk and recorder shall prepare all other estimates the preparation of which properly falls within the duties of his office.

Filing of estimates.

It shall be the duty of each of said officials to file such estimates within the time and in the manner provided in said form and notice, and the county clerk shall deduct and withhold, as a penalty, from the salary of each official failing or refusing to file such estimates as herein provided, the sum of ten dollars for each day of delay; provided, however, that the total penalty against any one official shall not exceed fifty dollars in any one year; and provided further, that in the absence or disability of any such official the duties required herein shall devolve upon the official or employee in charge of such office, department, service or institution for the time being. The said notice shall contain a copy of this penalty clause.

Tabulation of clerk.

Section 2. From such estimates the county clerk and recorder shall prepare a tabulation showing the complete expenditure program of the county for the current fiscal year, and the sources of revenue by which it is to be financed. Such tabulation shall set forth the estimated receipts from all sources other than taxation for each office, department, service, or institution for the current fiscal year, the actual receipts for the last completed fiscal year, the surplus or unencumbered treasury balances at the close of such last fiscal year, and the amount necessary to be raised by taxation; the estimated expenditure for each office, department, service or institution for the current fiscal year, the actual expenditures for the last completed fiscal year, and all contracts or other obligations which will affect the current year revenues.

Classification.

Such estimates, appropriations and expenditures shall be classified under the general classes of (1) salaries and wages; (2) maintenance and operation; (3) capital outlay; (4) interest and debt redemption; (5) miscellaneous; and (6) expenditures proposed to be made from bond issues not yet authorized, or from the proceeds of a tax levy or levies which are required to be submitted to and approved at an election to be thereafter held.

HeinOnline -- 1929 289 1929

Within the general class of salaries and wages each salary shall be set forth separately together with the title or position of the recipient, provided that an unitemized appropriation may be made to cover the expenses of special deputies or assistants in any office where the services of such special deputies or assistants may be required during a part of the fiscal year only. Wages for day labor may be given in totals by designating the general purpose or object for which the expenditure is to be made but the proposed rate per diem for each class or kind of labor shall be set forth. Expenditures under the general class of maintenance and operation shall be classified according to a standard classification to be established by the State Examiner. Expenditures for capital outlay shall set forth and describe each object of expenditure separately. Under the general class of interest and debt redemption proposed expenditures for interest and for redemption of principal shall be set forth separately for each series or issue of bonds, and warrant interest and redemption requirements shall be set forth in a similar manner. Under the general class of miscellaneous expenditures for all purposes not listed in, or which cannot properly be assigned to any of the foregoing general classes, shall be set forth and itemized in detail.

Itemized classification.

The total amount of emergency warrants issued during the preceding fiscal year shall be set forth with the amount issued for each emergency and the amount issued against each fund.

Section 3. The said tabulation shall be submitted to the county commissioners by the county clerk and recorder on or before the twentieth day of July. Upon receipt thereof the board of county commissioners shall immediately consider the same in detail, and shall on or before the twenty-fifth day of July make any revisions, reductions, additions or changes therein that they deem advisable, and such tabulation, with such revisions, reductions, additions or changes as have been made therein, as herein provided, shall constitute the preliminary county budget for the fiscal year which it is intended to cover. The board of county commissioners shall then cause a notice to be published stating that said board has completed their preliminary county budget for the current fiscal year, and that said budget has been placed on file and is open to inspection in the office of the county

Submission to Board and duties of Board.

HeinOnline -- 1929 290 1929

clerk and recorder, and that said board will meet on the Wednesday immediately preceding the second Monday in August thereafter, for the purpose of fixing the final budget and making appropriations, designating the time and place when and where such meeting will be held, and that any taxpayer may appear thereat and may be heard for or against any part of said Budget. Said notice shall be published at least one time in the official newspaper of the county, or if there be none, then in a newspaper of general circulation in the county.

Hearings of commissioners.

Section 4. On the Wednesday immediately preceding the second Monday in August the county commissioners shall meet at the time and place designated in the notice provided in Section 3 hereof, at which time any taxpayer may appear and be heard for or against any part of such budget. Such hearing may be continued from day to day but must be concluded not later than the second Monday in August and prior to the fixing of tax levies by such Board. The board of county commissioners shall have power to call in the official in charge of any office, department, service or institution, at the time the estimates for their respective offices are under consideration, for examination concerning such estimates, and such official shall be called in by such board upon the request of any taxpayer for questioning, either by the board or any taxpayer upon such estimates.

Adoption of budget.

Upon the conclusion of such hearing the county commissioners shall fix and determine each item of the budget separately and shall by resolution adopt the budget as so finally determined and enter the same in detail in the official minutes of the board.

Said budget as finally adopted shall specify the fund or funds against which warrants may be issued for the expenditures so authorized, respectively and the aggregate of all expenditures authorized against any fund shall not exceed the estimated revenues to accrue to such fund during the current fiscal year from all sources including taxation.

Fixing of tax levy.

On the second Monday in August, and after adoption of such final budget, the board of county commissioners shall fix the amount of the tax levy for each fund necessary to raise the amount of estimated expenditures to be made therefrom, as finally determined, less the estimated revenues from sources other than taxation, available sur-

HeinOnline -- 1929 291 1929

pluses and expenditures that are to be made from bond issues.

The county clerk and recorder shall immediately forward a copy of the final budget together with the tax levies to the State Examiner.

Section 5. The estimates of expenditures, itemized and classified as required in Section 2 hereof, and as finally fixed and adopted by said board of county commissioners, shall constitute the appropriations for the county for the fiscal year intended to be covered thereby, and the county commissioners, and every other county official, shall be limited in the making of expenditures or incurring of liabilities to the amount of such detailed appropriations and classifications, respectively; provided that upon a resolution adopted by the board of county commissioners at a regular or special meeting, and entered upon its minutes, transfers or revisions within the general class of salaries and wages and of maintenance and support may be made, provided, that no salary shall be increased above the amount appropriated therefor. Transfers between the general classes provided in Section 2 hereof shall not be permitted, provided and except that in the case of appropriations to be expended from county road or bridge funds, special road district funds, or any special highway fund, any transfer between or among the general classes of (1) salaries and wages, (2) maintenance and support, and (3) capital outlay, may be made.

Use of funds and surplus.

Moneys received from borrowings shall be used for no other purpose than that for which borrowed, except that if any surplus remain after the accomplishment of the purpose for which borrowed it shall be used to redeem the county debt. Where any budget shall contain an expenditure program to be financed from a bond issue to be authorized thereafter, no expenditure shall be made or obligation incurred thereunder until such bonds have been duly authorized and the proceeds are available, and where any expenditure program is to be financed from a tax levy required to be authorized and approved at an election no expenditure shall be made or obligation incurred thereunder until such levy is so authorized and approved.

Excess of budget and liabilities thereon.

Expenditures made, liabilities incurred, or warrants issued, in excess of any of the budget detailed appropriations as originally determined, or as thereafter revised by transfer, as herein provided, shall not be a liability

HeinOnline -- 1929 292 1929

of the county, but the official making or incurring of such expenditure or issuing such warrant shall be liable therefor personally and upon his official bond. The board of county commissioners shall not approve any claim, and the county clerk and recorder shall not issue any warrant for any expenditure in excess of said detailed budget appropriations as finally adopted, or as revised under the provisions hereof, except upon an order of a court of competent jurisdiction, or for an emergency as hereinafter provided. Any county commissioner or commissioners, or county clerk and recorder approving any claim or issuing any warrant in excess of any such budget appropriation, except as above provided, shall forfeit to the county fourfold the amount of such claim or warrant, which shall be recovered in an action against such county commissioner, or commissioners, or county clerk and recorder, or all of them, and their several sureties on their official bonds, and it shall be the duty of the county attorney of such county to bring an action therefor in the name of the county.

Section 6. In a public emergency, other than such as are hereinafter specifically described, and which could not reasonably have been forseen at the time of making the budget, the board of county commissioners, by unanimous vote of the members present at any meeting, the time and place of which all of the commissioners shall have had reasonable notice, shall adopt and enter upon their minutes a resolution stating the facts constituting the emergency and the estimated amount of money required to meet such emergency and shall publish the same, together with a notice that a public hearing will be held thereon at the time and place designated therein, but which shall not be less than one week after the date of said publication, at which any taxpayer may appear and be heard for or against the expenditure of money for such alleged emergency. Such resolution and notice shall be published once in the official newspaper of the county, and if there be none then in a newspaper of general circulation in the county. Upon the conclusion of such hearing, if the commissioners shall approve of such emergency expenditure, they shall make and enter upon their official minutes, by unanimous vote of all of the members of the board present at such meeting, an order setting forth the facts constituting such emergency together with the amount of expenditure authorized by them therefor,

Emergency expenditures.

How handled.

HeinOnline -- 1929 293 1929

which order, so entered, shall be lawful authorization for them to expend such amount, but no more, for such purpose, subject however, to the following limitations: No expenditures shall be made or liability incurred pursuant to said order until five (5) days, exclusive of the day of entry of said order, shall have elapsed, during which time any taxpayer or taxpayers of said county feeling aggrieved by said order may appeal therefrom to the district court for such county by filing with the clerk of such court a verified petition, a copy of which shall theretofore have been served upon the county clerk and recorder of said county as the clerk of the board of county commissioners. Said petition shall set forth in detail the objections of the petitioner or petitioners to said order, giving their reasons why the said emergency does not exist. The service and filing of such petition shall operate to suspend such emergency order and the authority to make any expenditure or incur any liability thereunder, until final determination of the matter by the court. Upon the filing of such petition the court shall immediately fix a time for hearing such petition which shall be at the earliest convenient time. At such hearing the court shall hear the matter de novo and may take such testimony as it deems necessary. Its proceedings shall be summary and informal and its determination as to whether an emergency, such as is contemplated within the meaning and provisions of this Act, exists or not, and whether the expenditure authorized by said order is excessive or not shall be final.

Objections.

Hearing.

Upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot or insurrection, or for the immediate preservation of order or of public health, or for the restoration of a condition of usefulness of which has been destroyed by accident, or for the relief of a stricken community overtaken by calamity, or in settlement of approved claims for personal injuries or property damages, exclusive of claims arising from the operation of any public utility owned by the county, or to meet mandatory expenditures required by law, the county commissioners may, upon adoption by unanimous vote of all members present at any meeting, the time and place of which all members shall have had reasonable notice, of a resolution stating the facts constituting the emergency and entering the same upon their minutes, make the expenditures or incur

Extreme cases.

HeinOnline -- 1929 294 1929

the liabilities necessary to meet such emergency without further notice or hearing.

Emergency warrants.

All emergency expenditures shall be made by the issuance of emergency warrants drawn against the fund or funds properly chargeable with such expenditures, and the county treasurer is authorized and directed to pay such emergency warrants with any money in such fund or funds available for such purpose, and if, at any time, there shall not be sufficient money available in such fund or funds to pay such warrants then such warrants shall be registered, bear interest and be called in for payment in the manner provided by law for other county warrants.

Tax levy.

The county clerk and recorder shall include in his annual tabulation to be submitted to the board of county commissioners the total amount of emergency warrants issued during the preceding fiscal year, and the county commissioners shall include in their tax levies a levy for each fund sufficient to raise an amount equal to the total amount of such warrants, if there be any, remaining unpaid at the close of such preceding fiscal year because of insufficient money in such fund to pay the same; provided, however, that no levy shall be made for any fund in excess of the levy authorized by law to be made therefor; and provided further, that the board of county commissioners may submit the question of funding such emergency warrants at an election, as provided by law, and if at any such election the issuing of such funding bonds be authorized it shall not then be necessary for any levy to be made for the purpose of paying such emergency warrants.

When appropriations lapse.

All appropriations, other than appropriations for uncompleted improvements in progress of construction, shall lapse at the end of the fiscal year; provided that the appropriation accounts shall remain open for a period of thirty days thereafter for the payment of claims incurred against such appropriations prior to the close of the fiscal year and remaining unpaid. After such period shall have expired all appropriations, except as hereinbefore provided regarding uncompleted improvements, shall become null and void, and any lawful claim presented thereafter against any such appropriation shall be provided for in the next ensuing budget.

Duties of County Clerk and Recorder.

Section 7. On the first Monday in each month the county clerk and recorder shall submit to the board of

HeinOnline -- 1929 295 1929

county commissioners a report showing the expenditures and liabilities against each separate budget appropriation incurred during the preceding calendar month, and like information for the whole of the fiscal year to the first day of the month in which such report is made, together with the unexpended balance of each appropriation. He shall also set forth the receipts from taxes, and in detail the receipts from all other sources by each fund for the same period. In counties having county auditors the county auditor, on the last business day of each month, shall furnish the county clerk and recorder with a statement showing the total amount of liabilities incurred against each budget appropriation for which warrants have not been issued up to the close of said business day.

Duties of State Examiner.

Section 8. The State Examiner hereby is empowered, and it is made his duty to make such rules, regulations and classifications, and prescribe such forms as may be necessary to carry out the provisions of this Act, to define what expenditures shall be chargeable to each budget account, and to establish such accounting and cost systems as may be necessary to provide accurate budget information.

Limitation.

Section 9. This Act shall not be construed to create any new fund or funds or to authorize a levy to be made for any fund in excess of the limitation now prescribed by existing law or Acts amendatory thereof.

Section 10. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor.

Section 11. Sections 224 to 230, inclusive, Revised Codes 1921, and all other Acts and parts of Acts in conflict herewith are hereby repealed.

Section 12. This Act shall be in full force and effect from and after its passage and approval.

Approved March 15, 1929.

HeinOnline -- 1929 296 1929

CHAPTER 149.

An Act to Amend Section 1415 of the Revised Codes of Montana, 1921, as Amended by Chapter 42 of the Session Laws of 1923, Relating to Appointment of, Removal and Salary of the Superintendent of the Insane Asylum and His Assistants.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1415 of the Revised Codes of Montana, 1921, be, and the same is hereby, amended to read as follows:

Section 1415. **Superintendent of Asylum and Assistant. Appointment, Removal and Salary.** A superintendent of the State Insane Asylum and an assistant superintendent, who shall be regularly licensed physicians of the State of Montana, shall be appointed by the Governor, and such appointments must be transmitted to and approved by the Senate. The tenure of office of the appointees shall be for a period of four years from the date of appointment, and until their successors have been appointed and qualified. The salary of the superintendent is hereby fixed at the sum of Five Thousand ($5000.00) Dollars per year, the salary of the assistant superintendent at Three Thousand ($3000.00) Dollars per year, payable in monthly installments of one-twelfth each at the end of each and every month.

Superintendent of Asylum.

Appointment.

Salary.

The superintendent and the assistant superintendent in addition to the salaries above mentioned shall be entitled to draw from the asylum commissary food supplies for their respective families, not to exceed, however, in value the sum of Fifteen Hundred ($1500.00) Dollars per year for each family. Such food supplies so drawn shall be accounted for to the Board of Commissioners for the Insane, in the same manner as other supplies used at the Insane Asylum.

Family food supplies.

They shall be subject to removal by the State Board of Commissioners for the Insane at any time for misfeasance, non-feasance, or malfeasance in office, but before the superintendent or the assistant superintendent be so removed, formal charges in writing must be preferred, and the superintendent or the assistant charged shall be given opportunity to appear and defend himself against any such charges. When charges shall have been

Removal, when and how.

HeinOnline -- 1929 297 1929

preferred asking the removal of the superintendent or the assistant superintendent notice of the time and place of hearing of said charges shall be served upon the accused at least five days prior to the day set for the hearing; provided, however, that when such charges have been preferred, the State Board of Commissioners for the Insane shall have the power and authority to suspend the accused until after the determination of the charges preferred against him.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect from and after its passage and approval.

Approved March 15, 1929.

CHAPTER 150.

An Act Amending Section 5228 of the Revised Codes of Montana, 1921, as Amended by Chapter 135 of the Session Laws of the Eighteenth Legislative Assembly of the State of Montana, Relating to the Cost of Improvement on Extended Improvement Districts not Fronting on Streets Improved.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5228 of the Revised Codes of the State of Montana, 1921, as amended by Chapter 135 of the Session Laws of the Eighteenth Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Assessments for improvement districts.

Section 5228. Whenever the contemplated work of improvement, in the opinion of the city council, is of more than local or ordinary public benefit, or whenever, according to estimates furnished by the city engineer, the total estimated costs and expenses thereof would exceed one half of the total assessed value of the lots and lands assessed, if assessed upon the lots or lands fronting upon said proposed work or improvement, according to the valuation fixed by the last assessment roll whereon it was assessed for taxes for municipal purposes, the city council may make the expenses of such work or improve-

HeinOnline -- 1929 298 1929

ment chargeable upon an extended district and which may include other lots not fronting on the improvement, and which the said city council shall, in its Resolution of Intention, declare to be the district benefited by said work or improvements and to be assessed to pay the costs and expenses thereof.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 15, 1929.

CHAPTER 151.

An Act Defining and Providing for the Licensing of Hide Buyers; Providing for the Inspection and Tagging of Hides and Providing for the Issuance and Recording of Certificates of Inspection; Providing Fees for Such Inspection; Providing Penalties for the Violation of this Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Definition of hide dealer.

Section 1. Every person, firm, corporation or association engaged in the business of buying or selling any hide or hides from any horse, mare, colt, mule, jack, jenny, shall for the purpose of this Act be designated a hide dealer or buyer.

License.

Section 2. Every hide dealer or buyer before engaging in or conducting any business as such, in any county, shall pay to the County Treasurer of such county a license of ($5.00) which license shall continue in force and effect for that calendar year. The County Treasurers of the State are hereby authorized and required, upon the payment of any such license, to issue a proper certificate of such payment. The moneys collected from such license shall be placed in the general fund of the County wherein collected.

Inspection.

Section 3. Any person selling a hide or hides from any horse, mare, colt, mule, jack or jenny shall have the hide or hides in their entirety inspected in the county from which they originate by a livestock inspector, or a sheriff, or any person designated by the Board of County Com-

HeinOnline -- 1929 299 1929

missioners, other than a hide dealer or buyer or employee of any hide dealer or buyer, who shall issue an inspection certificate as hereinafter provided for. To the hide shall be attached a metal tag bearing the name of the county, the inspector's number and serial number to apply to the hide. The form of such metal tag shall be specified by the Livestock Commission. Said inspector, sheriff or authorized inspector shall keep a record and issue a certificate of inspection on a form provided by the county which form shall be specified by the Livestock Commission, giving the kind of hide, seller or owner's name, address, brand or brands on each hide, the serial number on the tag, date of inspection and place where such inspection was made. The officer making such inspection shall forward a copy of all inspection certificates made to the secretary of State Livestock Commission, and to the county clerk of the county in which said inspection was made on or before the first day of each month and such inspection certificates shall be placed on file in the offices aforementioned.

Duties of inspectors.

When ownership of the hide or hides is claimed by bill of sale the officer making the inspection shall demand and receive the original bill of sale which bill of sale shall be attached to the inspector's certificate sent to the Secretary of the State Livestock Commission. For each hide inspected the authorized officer making such inspection shall collect a fee of (25c), such fee to be retained by the inspector, provided, however, that any hide dealer may contract or agree with the inspector for inspection at a less fee than twenty-five cents for each hide, and provided further that all such contract inspectors shall be appointed by the Secretary of the State Livestock Commission.

Bill of sale.

Inspection fee.

Section 4. It shall be unlawful for any person, firm, corporation, or association to purchase the hide or hides of any horse, mare, colt, mule, jack or jenny without first making an examination for the inspection tag. Exception —Except hides may be sold to buyers without inspection or tag providing the purchaser immediately takes such hide or hides to the inspector residing in the county where such hide or hides were sold, and closest to the point where sale was made for inspection and tagging.

Examination of buyer.

Section 5. It shall be unlawful and a misdemeanor punishable by a fine of not exceeding one hundred dollars ($100.00) for any Railroad Company, Express Com-

Violation and penalty.

HeinOnline -- 1929 300 1929

pany, or other common carrier to accept for shipment or transportation any hide or hides from any horse, mare, colt, mule, jack or jenny, unless such hide or hides has affixed thereto the metal tag provided for in this Act, and each shipment must be accompanied by an itemized list prepared by the shipper, to accompany the bill of lading showing the number and kind of hides and giving the brand or brands on each hide and the serial number and county as given on the metal tag .

Tag.

Section 6. Any person or persons who violate any of the provisions of this Act, or who wilfully falsifies any of the records required by this Act to be kept, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than ($50.00), nor more than ($250.00) or by imprisonment in the county jail for a period of not less than thirty days nor more than ninety days, or by both such fine and imprisonment.

Penalty for falsification.

Section 7. In addition to the penalties provided by Section 6 of this Act, any hide dealer or buyer who shall violate any of the terms of this Act shall suffer a forfeiture of the license required by this Act, and no license shall again be issued to such person until the expiration of one year from date of such conviction.

Forfeiture of license.

Section 8. If any clause, sentence, section, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, section, paragraph or part thereof directly adjudged to be invalid or inoperative.

Saving clause.

Section 9. This Act shall be in full force and effect after its passage and approval.

Approved March 15, 1929.

HeinOnline -- 1929 301 1929

CHAPTER 152.

An Act to Amend Section 2078 of the Revised Codes of Montana of 1921 and Section 2081 of said Codes as Amended by Chapter 73 of the Laws of Montana of 1923, Providing for a Tax Levy upon Sheep and other Livestock and the Distribution and Use of the Moneys Realized Therefrom.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2078 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Tax levy on livestock.

Section 2078. The amount of such levy shall not in any event exceed one mill upon the assessed valuation of sheep and one and one-half mills upon the assessed valuation of other livestock, which shall be levied to aid in the payment of the general expense of the Livestock Commission of Montana, including salaries, office expense, detective expense, expense of prosecution, travel, and all incidental expense, and a separate levy of not exceeding one and one-half mills on all livestock for the use of the Livestock Sanitary Board to be placed in what shall be known as the State Livestock Sanitary Board Fund for the payment of indemnity for animals slaughtered, and for salaries and expenses incurred in investigating, controlling and suppressing diseases, including expenses of quarantine and salaries and expenses incurred for such purposes, and for laboratory maintenance; provided further that the State Treasurer and State Auditor, at the written request of the Livestock Sanitary Board shall set aside and transfer from the State Livestock Sanitary Board Fund to what shall be known as the State Livestock Sanitary Board Emergency Fund such funds as may be available and requested, which funds shall be expended only when the Livestock Sanitary Board determines that a livestock disease emergency exists requiring its expenditure, and it shall then be expended for such purposes as the Livestock Sanitary Board may order and direct.

State Livestock Sanitary Board emergency fund.

Section 2. That Section 2081 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

HeinOnline -- 1929 302 1929

Tax levy on livestock for wild animal bounty.

Section 2081. The State Board of Equalization shall annually prescribe the levy to be made against sheep and other livestock for the purpose of aiding in the payment of bounties on wild animals killed within this State, which tax shall not in any one year exceed one and one-half mills on the assessed valuation of sheep and one mill on the assessed valuation of other livestock, and such money so received shall be used and applied only in payment of claims for bounty for the killing of wild animals, and in carrying out the provisions of Chapter 73 of the Laws of the Eighteenth Legislative Assembly of Montana of 1923, and the moneys received from the taxes so levied shall be transmitted monthly, with other taxes for state purposes, to the State Treasury by the County Treasurer of each county, and when received by the State Treasurer shall be placed to the credit of the bounty fund, and such money shall thereafter be paid out only on claims duly and regularly presented to the State Board of Examiners in accordance with the law for the payment of bounty for the killing of wild animals.

Bounty fund.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall take effect immediately upon its passage and approval.

Approved March 16, 1929.

CHAPTER 153.

An Act Legalizing all Elections Heretofore Held Authorizing the issuance of Bonds by any County of this State, for the purpose of Obtaining Funds to Pay a Warrant Indebtedness Heretofore Created by such County where such Election was not Called upon the Presentation of a Petition by Twenty Percent of the Tax Paying Electors of the County and was Participated in and the Question was Submitted to a Vote of the Electors Rather than to the Registered Electors whose Names Appeared upon the Last Preceding Assessment Roll as Required by Chapter 98 of the Laws of 1923.

Be it enacted by the Legislative Assembly of the State of Montana:

Legalizing bond issues.

Section 1. That all elections heretofore held authorizing the issuance of bonds by any county of the State of

HeinOnline -- 1929 303 1929

Montana for the purpose of obtaining funds to pay a warrant indebtedness heretofore created by such county where such election was not called upon a petition of twenty percent (20%) of the qualified registered electors who are taxpayers upon property within said county and where the election was participated in, and the question was submitted to a vote of the electors rather than to the registered electors whose names appeared upon the last preceding assessment roll as required by Chapter 98 of the Laws of 1923, are hereby declared to be valid and legal and such bonds when issued and sold are hereby declared to be legal and binding obligations of such county issuing the same providing that the proposition to create or increase said indebtedness and to issue said bonds received a majority of all votes cast upon the proposition at the election when the proposition was voted upon, and provided further that all other requirements of law have been fully complied with.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1929.

CHAPTER 154.

An Act to Amend Section 3574 of the Revised Codes of Montana, 1921, as Amended by Section 1, Chapter 41, of the Laws of the Eighteenth Legislative Assembly, Sections 3576, 3579, 3581 of the Revised Codes of Montana, 1921, and Section 3588 of the Revised Codes of Montana, 1921, as Amended by Section 3, Chapter 41 of the Laws of the Eighteenth Legislative Assembly and as Further Amended by Section 1 of Chapter 174 of the Laws of the Nineteenth Legislative Assembly, Relating to Direct Purchases of Grain and the Delivery of Grain by Public Warehousemen on Storage Certificates.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3574 of the Revised Codes of Montana, 1921, as amended by Section 1, Chapter 41, of

HeinOnline -- 1929 304 1929

the Laws of the Eighteenth Legislative Assembly, be, and the same is hereby amended to read as follows:

Definitions.

Section 3574. Whenever the word 'grain' is mentioned in this Act, it shall be construed to include flax. The term Public Warehouse includes any elevator, mill, warehouse, or structure in which grain is received from the public for storage, shipment or handling, whenever such grain is carried or intended to be carried to or from such warehouse, elevator, mill or structure by common carrier. The term Public Warehouseman shall be held to mean and include every person, association, firm and corporation owning, controlling or operating any public warehouse in which grain is stored or handled in such a manner that the grain of various owners is mixed together, and the identity of the different lots or parcels is not preserved. The term Grain Dealer shall be held to mean and include every person, firm, association and corporation owning, controlling or operating a warehouse, other than a public warehouse, and engaged in the business of buying grain for shipment or milling in car load lots. The term Track Buyer shall mean and include every person, firm, association and corporation who engages in the business of buying grain for shipment or milling in car load lots, and who does not own, control, or operate a warehouse or public warehouse. The terms Agent, Broker and Commission Man, shall mean and include every person, association, firm and corporation who engages in the business of negotiating sales or contracts for grain or of making sales or purchases for a commission.

Section 2. That Section 3576 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Chief Inspector of Grain.

Section 3576. The Commissioner of Agriculture shall appoint a Chief Inspector of Grain for the State, and such number of inspectors, samplers and weighers as may be necessary to properly and thoroughly enforce the provisions of this Act. Such inspectors shall be able to qualify under the terms and in accordance with the United States Federal Grain Standards Act; no such inspector, sampler or weigher shall be interested directly or indirectly in the handling, sorting, shipping, purchasing or selling of grain or grain products.

HeinOnline -- 1929 305 1929

Section 3. That Section 3579 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Public Warehouseman charges.

Section 3579. Charges must be made by all public warehousemen subject to the provisions of this Act, for the handling or storage of grain, as follows:

(a) Two cents (2c) per bushel for receiving, elevating, weighing and immediate delivery on car of the identical grain without mixing. (Immediate delivery—Not less than forty-eight (48) hours but where conditions permit, special bin assemblage of grain without loss of identity for car load shipment shall be construed as immediate delivery, provided total period of assemblage and delivery does not exceed seventy-two (72) hours, provided in case said period is from seventy-two (72) hours to one hundred six (106) hours the entire charge shall be two and one half cents (2½c) per bushel and from one hundred six (106) to one hundred thirty hours (130) the charge shall be three cents (3c) per bushel.) This rate for immediate delivery applies to all grain so delivered.

(b) Four cents (4c) per bushel for all grains except flax, for receiving, grading, weighing, elevating, insuring, fifteen (15) days or part thereof free storage, and delivering to the owner. For flax this charge shall be five (5c) cents per bushel.

(c) Two cents (2c) per bushel for cleaning grain at request of owner where there are cleaning facilities, in which case screenings shall be delivered to owner.

(d) The charges for storage shall be one-thirtieth (1/30) of one cent (1c) per day per bushel for each day in storage after period of free storage has elapsed.

(e) Failure on the part of any public warehouseman to comply with the provisions of this Act will render the licenses of such warehouseman subject to revocation and cancellation by the Commissioner of Agriculture.

Section 4. That Section 3581 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Inspection and weighing fees.

Section 3581. The Commissioner of Agriculture shall fix the fees for inspection and weighing of grain, and such fees shall be a lien upon such grain until paid.

HeinOnline -- 1929 306 1929

No Commercial Laboratory for public service shall certify to the grade or protein content of grain unless such Commercial Laboratory is licensed by the Commissioner of Agriculture under such rules and regulations as he may prescribe. Licensed laboratories.

Section 5. That Section 3588 of the Revised Codes of Montana, 1921, as amended by Section 3 of the Laws of the Eighteenth Legislative Assembly, and as further amended by Section 1, Chapter 174 of the Laws of the Nineteenth Legislative Assembly, be, and the same is hereby amended to read as follows:

Section 3588. (a) In cases of grain being sold outright to the warehouseman at the time of delivery or grain placed in store with the warehouseman to be sold at a future time to the warehouseman to whom delivered, settlement shall be made on the basis of grade, quality, protein content and quantity. Grain sold outright.

(b) In cases of storage of grain with intent of future re-delivery of the grain the owner so designate at time of delivery to enable the warehouseman to special bin. Failure to so designate at time of delivery, the grain will lose its identity in general storage. Therefore, owner agrees to accept quantity of like grade, kind and quality (as provided for under the United States Federal Grain Standards Act) from warehouseman's general storage. Storage for future delivery.

Upon the return of the receipt to the proper warehouseman, properly endorsed, and upon payment or tender of all advances and legal charges, grain of grade agreed upon, of equal quality or value and quantity equal to that placed by him in store, shall be delivered to the holder of such receipt within forty-eight (48) hours after the facilities for receiving the same have been provided, or at the option of the owner, such warehouseman shall deliver such grain at terminal, or if mutually agreed, the equivalent market value thereof on said date, less any freight and storage charges to terminal, and such other charges as may be allowed by the Commissioner of Agriculture. Delivery of grain.

Owners of warehouse receipts surrendered for shipment shall furnish the warehouseman with written instructions regarding the capacity of cars to be ordered from the transportation company, and as to the manner of loading and billing shipments made in such cars as are furnished by the transportation company. Instructions to Warehouseman.

HeinOnline -- 1929 307 1929

Duties of Warehouseman.

The warehouseman shall load and bill such shipments in exact accordance with instructions given, and shall be liable to the owner of the warehouse receipt so surrendered for the amount of any excess freight paid, or for other damages suffered by the owner of the warehouse receipt, resulting from the failure of the warehouseman to follow accurately the loading and billing instructions as given him, provided that the owner of said warehouse receipt shall immediately furnish to said warehouseman a duplicate copy of the original State Weigh Master's certificate of weight of said car lot shipment at terminal. If any dispute or disagreement arises between the party receiving and the party delivering the grain at any public warehouse in this State as to the proper grade or dockage, or both, of any grain, in accordance with standards at terminal points, an agreed average sample of at least one (1) quart of said grain in dispute may be taken by the parties interested, and forwarded in an air tight tin container duly marked for identification by the interested parties, mail or express charges prepaid, with the names and addresses of the parties, to the Chief Grain Inspector, Great Falls, Montana, or any state laboratory whose Chief Inspector has been qualified by the United States Department of Agriculture to grade grain and make laboratory tests for protein, who will, upon request, examine said grain and adjudge what grade said sample is entitled to under the inspection rules and which amount of dockage it contains, and the findings of such inspection shall be binding upon both parties, subject to appeal as hereinafter provided. If the grain in question is damp, musty or otherwise out of condition, this fact with any other necessary information must accompany sample.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 16, 1929.

HeinOnline -- 1929 308 1929

CHAPTER 155.

An Act to Empower Any Irrigation District to Issue Refunding Bonds, Providing for the Refunding, Redemption and Payment of Bonds and Warrants of Any Such Irrigation District, for the Sale or Exchange of Such Refunding Bonds, for Settling the Terms and Conditions of an Exchange of Bonds, and to Repeal Sections 7226 to 7230, Both Inclusive, Revised Codes of Montana, 1921, as Amended by Sections 13 to 17, Both Inclusive, Chapter 157, Laws of Montana, 1923.

Be it enacted by the Legislative Assembly of the State of Montana:

Authorization to issue refunding bonds and laws applicable thereto.

Section 1. Any irrigation district may issue refunding bonds; and all of the provisions of the Act relating to the creation, organization, government, management, control, operation, administration and dissolution of irrigation districts under the jurisdiction of the Public Service Commission of Montana, being Sections 3953 to 4025, both inclusive, Revised Codes of Montana, 1921, and the Acts amendatory thereof and supplemental thereto, as far as applicable and except as otherwise provided herein, shall apply to such refunding bonds and to the issuance thereof.

Purpose.

Section 2. Any irrigation district may issue such refunding bonds for the purpose of redeeming or paying the indebtedness, or any portion thereof, of the district, whether represented by existing and outstanding bonds, interest coupons thereof, or warrants, or both, including accrued and unpaid interest on said bonds, coupons and warrants, and whether such indebtedness be due or not due, or which has or may hereafter become payable at the option of the district, or by consent bondholders or warrant-holders, or both, or by any legal means, and whether such indebtedness be now existing or may hereafter be created, and there shall not be funds in the Treasury of such district available for the payment of the same. Such refunding bonds may be issued in one or more series. The petition for such refunding bonds signed, as required by law, by at least sixty per centum (60%) in number and acreage of the holders of title or evidence of title to the lands included within said district, addressed to the board of Directors or Commissioners of the

Petition.

HeinOnline -- 1929 309 1929

district, may contain the following specifications, in addition to the matters now required by law, viz:

(a) How many series of bonds shall be issued; and

Contents and terms.

(b) The terms, conditions and liens of the said bonds, and the terms and conditions upon which each of said series of bonds shall be exchanged for outstanding bonds of said district, if the same are to be exchanged and not sold; and any such specifications when set forth in the said petition shall be controlling upon the said Board of Directors or Commissioners. The petitioners shall set forth with particularity in such specifications the contract of exchange to be made and they shall have power to include therein any term, requirement, grant, transfer of property or rights, covenant and condition whatsoever that shall be deemed by the said petitioners to be for the best interests of the said district; and that the Board of Directors or Commissioners of the district shall have the power to authorize and direct the issuance of the said bonds accordingly, and to make any such contract, and to bind the irrigation district thereby.

Laws repealed.

Section 3. Sections 7226 to 7230, both inclusive, Revised Codes of Montana, 1921, as amended by Sections 13 to 17, both inclusive, Chapter 157, Laws of Montana, 1923, relating to the issuance and sale of refunding bonds by irrigation districts not under the jurisdiction of the Public Service Commission of Montana, are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1929.

HeinOnline -- 1929 310 1929

CHAPTER 156.

An Act to Amend Section 2209 of the Revised Codes of Montana for 1921, Relating to Giving Notice of Application for Tax Deed.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2209 of the Revised Codes of the State of Montana for 1921, be, and the same hereby is amended to read as follows:

Section 2209. **Notice of Application for Tax Deed.** The purchaser of property sold for delinquent taxes, or his assignee, must, at least thirty (30) days previous to the expiration of the time for redemption, or at least thirty (30) days before he applies for a deed, serve upon the owner of the property purchased, if known, and upon the person occupying the property, if the said property is occupied, and, if the records in the office of the County Clerk and Recorder show an unreleased mortgage or mortgages upon the property purchased, upon the mortgagee or mortgagees named in said mortgage or mortgages or, if assigned, upon the assignee or assignees of said mortgage or mortgages, a written notice, stating that said property, or a portion thereof, has been sold for delinquent taxes, giving the date of sale, the amount of property sold, the amount for which it was sold, the amount due, and the time when the right of redemption will expire, or when the purchaser will apply for a tax deed, and the owner of the property, or the mortgagee, or the assignee of said mortgagee has the right of redemption indefinitely until such notice has been given and the deed applied for, upon the payment of fees, percentages, penalties and costs required by law. Notice to any owner, mortgagee or assignee of mortgagee shall be given by registered letter addressed to such mortgagee or his assignee at the post office address of said owner, mortgagee or assignee, as disclosed by the mortgage records in the office of the County Clerk and Recorder. In case of unoccupied property, or a mining claim, such notice must be posted in a conspicuous place upon the property, and personally served upon all owners thereof residing in the county where the property is situated, and deposited in the post office addressed to any known owner residing outside of said county with the postage

Service of notice.

Contents of notice.

HeinOnline -- 1929 311 1929

thereon prepaid, at least thirty (30) days before the expiration of the time for redemption, or at least thirty (30) days before the purchaser applies for such tax deed, in addition to notice to the mortgagee or assignee of mortgagee in the manner, and as hereby is provided; provided that in all cases where the post office address of the owner, mortgagee, or assignee is unknown, the applicant shall publish once a week for two successive weeks in a newspaper published in the county where the property is situated, a notice substantially in the following form:

Publication.

NOTICE OF APPLICATION FOR TAX DEED.

Notice is hereby given that the undersigned will, on the ..... day of....., 19....., apply to the County Treasurer of ..... County for a tax deed to the following described property, to-wit:

(describe property)

Amount due $.....

Date .....

.....

Applicant.

The first publication of such notice must be made at least thirty (30) days before the date of redemption or application for said deed. In all cases due proof of service in whatever manner given, supported by the affidavit required by law, must be filed immediately with the Clerk and Recorder of the county in which the property is situated, and be kept as a permanent file in his office, and such proof of notice when so filed shall be prima facie evidence of the sufficiency of the notice.

Section 2. All Acts and parts of Acts in conflict herewith except the Act known as House Bill No. 17, enacted by the Twenty First Legislative Assembly are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1929.

HeinOnline -- 1929 312 1929

CHAPTER 157.

An Act Designating the City of Fort Benton as a Place for the Erection of a Memorial Commemorating the Exploration of the Lewis and Clark Expedition, and Providing for a Commission to Select a Site and a Suitable Memorial and Supervise the Erection of Same.

Be it enacted by the Legislative Assembly of the State of Montana:

Place of erection.

Section 1. That the City of Fort Benton in Chouteau County, Montana, is hereby designated as the place for the erection of a memorial commemorating the exploration of the Lewis and Clark Expedition.

Commission for site selection.

Section 2. That a commission of three persons be appointed by the Governor of the State of Montana to select a suitable site for the erection of said memorial and also select a suitable memorial to commemorate the exploration of the Lewis and Clark Expedition, the cost of which site and memorial shall not exceed the appropriation made for such purpose. Such commission shall also have power to supervise the erection of the memorial and to make all necessary contracts relating thereto not exceeding in cost, however, the sum appropriated for such purpose.

Compensation.

Section 3. The members of the commission hereinbefore provided for shall serve without compensation other than reimbursement for expenses necessarily incurred in the discharge of their duties.

Section 4. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 16, 1929.

HeinOnline -- 1929 313 1929

CHAPTER 158.

An Act Authorizing the State Board of Examiners to Issue and Dispose of "Refunding Capitol Building Bonds" to the Amount of Five Hundred and Thirty-Five Thousand Dollars, for the Purpose of Refunding the "Second" and "Third" Issue "Capitol Building Bonds of the State of Montana": To Provide for the Payment of Interest and Principal, and Create a Sinking Fund and the Investment Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Board of Examiners authorized to handle building bonds.

Section 1. The State Board of Examiners of the State of Montana is hereby authorized and empowered, to issue and dispose of Refunding Capitol Building Bonds of the State of Montana, for the purpose of providing funds to pay maturing, redeemable and outstanding Second and Third Issue of Capitol Building Bonds of the State of Montana, authorized by Chapter 63, Session Laws of 1909, and by Chapter 19, Session Laws 1911, now Sections 5554 to 5570 Revised Codes of 1921, inclusive; under the following conditions and restrictions, to-wit:

Amount.

First. The aggregate amount of bonds authorized to be issued and sold under provisions of this Act, shall not exceed Five Hundred and Thirty-five Thousand Dollars ($535,000).

Denomination.

Second. The denomination of each bond shall be One Hundred Dollars ($100.00), or any multiple thereof, but the maximum of any bond shall not exceed the sum of One Thousand Dollars ($1000).

Term.

Third. The term of said bonds shall not exceed twenty years from their date, and they shall be payable at any time after ten years, from their date, at the option of the State Board of Examiners.

Interest.

Fourth. The bonds may bear any rate of interest, not exceeding four and one quarter (4¼) per cent, per annum, and the interest shall be paid semi-annually.

Where payable.

Fifth. The principal and interest shall be payable at the office of the State Treasurer, at Helena, Montana.

Form.

Sixth. The State Board of Examiners shall prescribe the form of the bond, and the bonds shall bear upon their face the words, "First Refunding Capitol Building Bonds

HeinOnline -- 1929 314 1929

of the State of Montana," and shall be signed by the members of the State Board of Examiners, and the great Seal of the State of Montana shall be affixed to each bond, and the bonds shall be registered in the office of the State Treasurer.

Seventh. The coupons representing the interest on the bonds shall have lithographic facsimile signatures of the members of the State Board of Examiners affixed thereon. Coupons.

Section 2. The bonds provided for in this Act shall be disposed of by the State Board of Examiners in such a manner as it shall deem for the best interest of the State, provided that no bond shall be disposed of for less than its par value. Manner of disposal.

Section 3. To provide for the payment of the interest and principal of the bonds authorized by this Act, there is hereby created a special fund to be known as "The Capitol Building Interest and Sinking Fund" into which shall be paid all sums of money realized from sales of land, licenses to cut trees, leasing of lands, profits of any and all other sources by reason of the grants of lands belonging to, or authorized for the purpose of building or aiding in the building or erection of a State Capitol Building, as provided by Sections 12 and 17 of an Act of the United States Congress, entitled "An Act to provide for the division of Dakota into two States, and to enable the people of North Dakota, South Dakota, Montana and Washington, to form Constitutions and State Governments, and to be admitted into the Union on an equal footing with the original states, and to make donations of public lands to such states," approved February 22, 1889, and from said "Capitol Building Interest and Sinking Fund," there shall, as the same becomes due and payable, be paid the interest on the said bonds; and it is further provided, that it is the duty of the "State Board of Land Commissioners," whenever there are any funds in the said "Capitol Building and Sinking Fund" over and above the sum of twenty-five hundred dollars in excess of the amount required to pay the yearly interest on said bonds, to invest such excess funds in the manner set forth and provided in section four (4) of this Act, and the amount so invested shall constitute a "permanent fund" to pay the principal of the said bonds; but all interest or profit derived from the investment Special fund created. Investment of surplus.

HeinOnline -- 1929 315 1929

shall be paid into the said "Capitol Building Interest and Sinking Fund" and the principal and interest of the bonds shall be a first lien upon said funds, and all lands granted and belonging to the State, for the purpose of erecting buildings at the State Capitol.

Section 4. The State Board of Land Commissioners are hereby authorized to create a "permanent fund" for the payment of the principal of the bonds authorized by this Act, from the following revenues, to-wit; whenever the revenues in any year are sufficient to pay the interest on the said bonds and there shall be in excess thereof, the sum of twenty-five hundred dollars, then any and all funds over and above the said sum of twenty-five hundred dollars shall be invested for the benefit of the "Capitol Building Interest and Sinking Fund" as follows, to-wit:

"Permanent Fund" and revenues.

Where invested.

First. In the bonds authorized by this Act, provided they can be purchased at a cost not exceeding their par value and accrued interest.

Second. In any legally issued bonds of any county, school district, city or town of the State of Montana, provided they can be purchased at a cost not exceeding their par value and interest.

Third. In any legally issued General Fund Warrants, of the State of Montana, or any legally issued warrants of any county, city or town of the state of Montana, provided they can be purchased at a cost not exceeding their par value and accrued interest; and the said State Board of Land Commissioners are hereby granted discretionary power in the selection and purchase of the securities hereinbefore described, as to the amount of each they shall purchase and conditions of general credit affecting the same.

Reimbursement, when paid from general fund.

Section 5. In the event that the State of Montana shall at any time provide and pay the interest, or any part thereof, of the bonds authorized by this Act from the General Funds of the State, or by any special appropriation made, or taxes levied therefor, then for any and all interest so paid the State shall be reimbursed from the said Capitol Building Interest and Sinking Fund, by the payment of the amount so paid, or due, whenever there is sufficient money in said Capitol Building and Sinking Fund to pay the same, after paying the principal and

HeinOnline -- 1929 316 1929

interest due on the bonds issued under any previous Act for capitol building purposes.

Treasurer custodian of funds.

Section 6. The State Treasurer is hereby designated as the custodian of the funds provided by this Act and he shall pay all warrants properly drawn by the State Auditor, save and except as to the interest on the bonds, which he shall pay as the same become due and charge the amount thereof to the Capitol Building and Sinking Fund, hereinbefore referred to.

Callable when

Section 7. Whenever any bonds authorized by this Act shall become due and payable and there are sufficient funds to pay the same, they shall be called in and paid in the order of their issuance, beginning with the lowest number.

Costs.

Section 8. The cost and expense of issuing the bonds provided for by this Act, may be paid out of the proceeds from the sale thereof.

Warrants to be issued for payment of interest.

Section 9. In the event that at any time there shall not be sufficient money in the Capitol Building Interest and Sinking Fund to pay the interest on the bonds herein provided for when due the State Board of Examiners shall, by an order entered on its minutes, cause warrants to be issued on the said Capitol Building Interest and Sinking Fund, for the amount of interest due and the warrants so issued shall be registered in the office of the State Treasurer, and shall bear interest at the rate of four and one quarter per cent (4¼%) per annum, and said warrants shall be paid by the State Treasurer whenever there is sufficient money accumulated in said fund to pay the same, after paying the interest on the bonds heretofore issued for Capitol Building purposes. By reason of the delivery of said warrants to the holders of said bonds and the surrender of the said interest coupons, there shall be no default in the payment of interest.

Interest.

Liability of State.

Section 10. Nothing in this Act shall be construed as in any wise holding the State of Montana liable for payment of bonds herein described, or the interest thereon, except as to the lien herein created against the lands and funds granted to the State of Montana, for the purpose of erecting buildings at the State Capitol and such lien shall not be abridged or set aside until the bonds authorized by this Act, shall have been fully paid, together with interest thereon.

HeinOnline -- 1929 317 1929

Proceeds payable to Treasurer.

Section 11. All moneys received from the sale of the bonds authorized by this Act, shall be paid to the State Treasurer, and must be by him applied to the payment of the maturing, redeemable and outstanding Building Bonds of the State of Montana, issued under the provisions of the law as set forth in Section 1 of this Act.

Limit of issuance.

Section 12. Only so many of the Refunding Bonds herein provided for, shall be issued, as may be necessary to pay outstanding and redeemable Capitol Building Bonds of the State of Montana, as issued under the authority recited in Section 1 of this Act.

Section 13. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1929.

CHAPTER 159.

An Act to Amend Section 10,213 of the Revised Codes of Montana of 1921 as Amended by Chapter 67 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana, and to Amend Section 10,214 of the Revised Codes of Montana of 1921, Relating to the Sale of Real Estate in Probate Proceedings, the Manner of Service and Giving of Notice of such Sale and the Proof Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10,213 as amended by Chapter 67 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana, be amended to read as follows:

Service of order to show cause.

Section 10,213. A copy of the order to show cause must be personally served on the heirs of the decedent, and any legatee or devisee, and any general guardian of a minor heir, legatee or devisee, providing they are residents of the county and can be found therein. If any such persons are not residents of the county, or if resident and cannot be found therein, the Clerk of the Court must forthwith deposit a copy of the order in the post office, registered, postage prepaid, directed to the person to be served, at his place of residence, such service to be

Service by mail.

HeinOnline -- 1929 318 1929

at least ten days before the time appointed for hearing the petition. In lieu of such personal service or service by mail such order may be published once a week for two consecutive weeks in such newspaper in the county as the Court or Judge may direct. If all persons interested in the estate join in the petition for the sale, or signify in writing their assent thereto, the notice may be dispensed with, and the hearing may be had at any time.

Publication.

Section 2. That Section 10,214 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

Section 10,214. The Court or Judge, at the time appointed in such order, or at such other time to which the hearing may be postponed, upon satisfactory proof of personal service upon the heirs, legatees, devisees or general guardian of any minor heir, devisee or legatee, and satisfactory proof of service by registered mail upon any of such parties not residents of the county, or if resident and cannot be found therein, or by publication of a copy of the order, by affidavit or otherwise, if the consent in writing to such sale of all parties interested is not filed, must proceed to hear the petition, and hear and examine the allegations and proofs of the petitioners, and of all persons interested in the estate who may oppose the application.

Hearing by court.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1929.

HeinOnline -- 1929 319 1929

CHAPTER 160.

An Act Authorizing and Empowering the State Board of Examiners of the State of Montana to Sell and Convey 4.50 Acres of Land, More or Less, Owned by the State and Forming a Part of the Lands at the State Orphans Home at Twin Bridges, Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Authorization of Board of Examiners to sell land.

Section 1. That the State Board of Examiners of the State of Montana be, and it is hereby authorized and empowered to sell and convey for cash, and at a price of not less than Fifty Dollars ($50.00) per acre, the following described tract of land owned by the State of Montana, to-wit:

Description.

Beginning at a point from which the West Quarter corner of Section 22, Township 3 South of Range 6 West, M. P. M., bears North 76 degrees and .09 minutes West 2225.08 feet distant, thence South 83 degrees and .02 minutes West 629.5 feet to Corner No. 2, thence South 70 degrees and .01 minutes West 196.8 feet to Corner No. 3, thence South 41 degrees and 25 minutes East 83.13 feet to Corner No. 4, thence South no degrees and 13 minutes West 162.14 feet to Corner No. 5, thence North 88 degrees and 59 minutes East 406.6 feet to Corner No. 6, thence South 73 degrees and 14 minutes East 306.10 feet to Corner No. 7, thence North 34 degrees and 24 minutes East 222.4 feet to Corner No. 8, thence North 13 degrees and 58 minutes West 295.7 feet to Corner No. 1, the place of beginning, containing 4.50 acres of land, more or less, located in the Northeast Quarter of the Southwest Quarter of Section 22, Township 3 South of Range 6 West, M. P. M., and all being situated in the County of Madison, State of Montana. It being provided, however, that such sale shall not be made unless said Board, after viewing said land, deems it advisable to sell the same, and then only with the consent of the State Board of Education.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1929.

HeinOnline -- 1929 320 1929

CHAPTER 161.

An Act to Promote the Poultry Industry, and for the Prevention, Control, and Extermination of Infectious, Contagious, and Destructive Diseases of Poultry, and Prescribing a Penalty for the Violation of any of the Provisions of this Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the promotion and protection of the poultry industry, and to prevent, control, and exterminate infectious, contagious, dangerous and destructive diseases affecting poultry, the Livestock Sanitary Board shall have power and it shall be its duty; Poultry industry.

1. To supervise the sanitary condition of poultry in this state, under the provisions of the constitution and statutes of this state, and such reasonable rules and regulations as this board may from time to time promulgate, and to this end this board shall have power to quarantine any lot, yard, land, building, room, premises, enclosure, or other place or section in this state, which is or may be used or occupied by poultry, and which, in the judgment of the State Veterinary Surgeon, or of his authorized agent, is infected or contaminated with an infectious, contagious, communicable or dangerous disease, or disease carrying medium by which such disease may be communicated; and this board shall have power to quarantine any poultry in this state, whenever, in the judgment of the State Veterinary Surgeon, or his authorized agent, such poultry is affected with, or has been exposed to, such disease or disease carrying medium; and this board shall have power to prescribe treatments and enforce sanitary regulations which, in the judgment of the State Veterinary Surgeon, or of his authorized agent, are reasonably necessary and proper to circumscribe, extirpate, control or prevent such diseases. Duties of Livestock Sanitary Board. Supervision.

2. To foster, promote and protect the poultry industry in this state by the investigation of diseases and other subjects related to ways and means of preventing, controlling, and exterminating diseases of poultry, to promulgate and enforce reasonable rules and regulations for the prevention and extermination of such diseases, and to do or perform such other acts and things as in their judgment may be necessary or proper in the foster- Investigation of diseases.

HeinOnline -- 1929 321 1929

ing, promotion, or protection of the poultry industry in this state.

Rules and regulations for inspectors.

3. To promulgate and enforce such reasonable rules, regulations and orders as they may deem necessary or proper to prevent the introduction or spreading of infectious, contagious, communicable or dangerous diseases affecting poultry into this State, and to this end to promulgate and enforce such reasonable rules, regulations and orders as they may deem necessary or proper governing inspections and tests of all poultry intended for importation into this state, before it may be imported into this state.

Imported poultry.

4. To promulgate and enforce such reasonable rules, regulations and orders as they may deem necessary or proper for the inspection, testing and quarantine of all poultry imported into this State.

Violation and penalty.

Section 2. Any person, persons, firm, or corporation violating any provision of this Act, or any rule, regulation, or order promulgated by authority of the same or who shall obstruct or interfere with the performance of any duty, or the exercise of any power hereby conferred shall be guilty of a misdemeanor.

Section 3. All Acts and parts of Acts, in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1929.

CHAPTER 162.

An Act to Amend Section 2235 of the Revised Codes of Montana, 1921, as Amended by Section 3 of Chapter 85, Laws of Twentieth Legislative Assembly, Relating to the Sale of Unredeemed Property by County Commissioners.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2235 of the Revised Codes of Montana, 1921, as amended by Section 3 of Chapter 85 of the Laws of the 20th Legislative Assembly of the State

HeinOnline -- 1929 322 1929

of Montana be, and the same is hereby amended to read as follows:

Section 2235. **Sale of Unredeemed Property by County Commissioners.** Whenever the county has become or attempted to become, the purchaser of any property, real or personal, of a value in excess of One Hundred Dollars ($100.00), sold for delinquent taxes, and said property has not been redeemed by the person entitled to do so, and a tax deed or instrument purporting to convey title has been issued to the county, whether the same was regular or irregular, valid or invalid, the Board of County Commissioners may, at any time, by an order entered upon the minutes of its proceedings, sell such property at public auction at the front door of the courthouse; provided, however, that thirty (30) days notice of such sale shall be given by the Board of County Commissioners by publication in a newspaper printed in the county and by posting copies of such notice in at least five public places in the county.

Sale of unredeemed property by County Commissioners.

Public auction.

Notice and publication.

Such sale may be made for cash or, in the case of real property, on such terms as the Board of County Commissioners may approve; provided, however, that if such sale is made on terms at least twenty (20%) per cent of the purchase price shall be paid in cash at the date of sale, and the remainder may be paid in installments extending over a period not to exceed five years, and all such deferred payments shall bear interest at the rate of six (6%) per cent per annum.

Terms of sale.

If a sale is made on terms the chairman of the Board of County Commissioners shall execute a contract containing such terms as shall be provided by a uniform contract prescribed by the Board of Equalization upon payment of the purchase price in full together with all interest which may become due on any installments, or deferred payments, the chairman of the Board of County Commissioners shall execute a deed to the purchaser, or his assigns, or such other instrument as will be sufficient to convey all of the title of the county in and to the property so sold.

Contracts and deeds.

On the first Monday in March following the execution of such contract, or deed, as the case may be, the property shall be subject to taxation in the name of the purchaser or his assignee, and the purchaser, or his assignee, shall thereafter pay all taxes and assessments lawfully laid against such property.

Taxation.

HeinOnline -- 1929 323 1929

Previous sales valid.

All sales heretofore made, or attempted to be made, by counties of property purchased for taxes, and the deeds to purchasers from such counties, whether or not irregular or void, for any reason, or because of any irregularity or failure to follow the directions or comply with the provisions of any statute relating to such deeds, or relating to the taxation or sale of such property for taxes, or the time or manner of redeeming property, or of securing a tax deed, are hereby confirmed, and said deeds and any deed or contract executed under this section shall vest in the purchaser, as of the date of said deed, or contract, all the right, title, interest, estate, lien, claim and demand of the State of Montana, and of the county, in and to said real estate, including the right to recover unpaid taxes, interest and penalties if the tax sale or any of the tax proceedings or tax deed shall be attached and held irregular or void. If the property real or personal of which the county has become possessed, be of a value of less than One Hundred Dollars, ($100.00), it will be sold in accordance with the provisions of Sub-division 10 of Section 4465 of the Revised Codes of Montana, 1921, and amendments thereto.

Provisions where over $100.00.

Disposition of proceeds.

The proceeds of every such sale shall be paid over to the county treasurer, who shall apportion and distribute the same in the following manner:

When in excess of taxes.

1. If such proceeds are in excess of the aggregate amount of all taxes and assessments accrued against such property for all funds and purposes, without penalty or interest, then so much of such proceeds shall be credited to each fund or purpose, as the same would have received had such taxes been paid before becoming delinquent, and all excess shall be credited to the general fund of the county.

Prorated where less than tax amount.

2. If such proceeds shall be less in amount than the aggregate amount of all taxes and assessments accrued against such property for all funds, and purposes, without penalty or interest, then such proceeds shall be pro rated between such funds and purposes in the proportion that the amount of taxes and assessments accrued against such property for each such fund or purpose bears to the aggregate amount of taxes and assessments accrued against such property for all funds and purposes.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed; provided, however, that this

HeinOnline -- 1929 324 1929

Act is not intended, and nothing herein shall be deemed to be intended, either to repeal or displace Chapter 89 of the Laws of the 19th Legislative Assembly of the State of Montana.

Section 3. This Act shall take effect from and after its final passage.

Approved March 16, 1929.

CHAPTER 163.

An Act to Amend Section 12 of Chapter 57 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana Relating to Building and Loan Associations, in Assessment and Collection of Dues, Interest, Prohibiting Fines, Penalties and Premiums, and Providing for Penalty for the Violation Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 12 of Chapter 57 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Powers and duties of building and loan associations.

Section 12. **Powers and Duties of Building and Loan Associations.** Every building and loan association is a creature of the Law having certain powers and duties of a natural person and as such has power:

(1) Of continual succession, by its corporate name.

(2) To sue and be sued, in any court.

(3) To make and use a common seal and alter same at pleasure.

(4) To appoint such officers or agents as the business of the corporation may require, and to allow them suitable compensation;

(5) To enter into any obligations or contracts essential to the transaction of its ordinary affairs, or for the purposes of the corporation;

(6) Such association shall have power to issue stock to members on such terms and conditions as the constitution and by-laws may provide, but no association shall issue preferred stock.

HeinOnline -- 1929 325 1929

Assess and collect dues.

(7) To assess and collect from members dues on stock and interest on loans at the times and in the amount as provided for in the constitution and by-laws. Interest in no event to exceed ten (10) per centum per annum on the amount of the loan. Interest not exceeding ten (10) per centum per annum may also be charged on unpaid interest payments from the time such interest payments are due. Interest may also be charged and collected on delinquent stock payments when such unpaid payments are credited with dividends. Said interest shall in no event be at a rate exceeding the rate per centum of the dividend declared on the same unpaid stock payments.

Fines and penalties.

No association shall charge or collect from any stockholder, member or borrower, any fines, premiums or penalties of any kind whatsoever. Any officer, agent or employee of an association collecting or attempting to collect any penalty, fine or premium of any kind whatsoever or any interest at a rate higher than provided in the note or other evidence of debt and in this Act, shall be guilty of a misdemeanor.

Rules for withdrawal.

(8) To permit members to withdraw all or part of their stock credits at such time and upon such terms as the constitution and by-laws may provide; provided, that no charge or fee, except as herein provided, shall be made against any member who withdraws his stock, after having given thirty (30) days notice of such withdrawal; provided, also, that no fine of any description shall be made upon the par value of such stock or upon the declared dividends because of such withdrawal. Any member who withdraws his stock or whose stock is matured, shall be entitled to receive all dues paid in and all dividends declared less interest, if any as provided in subsection 7, less a reasonable membership fee not exceeding two (2) per cent of the par value of each share of stock and less a pro rata share of all losses, if any, which have occurred, and no other fine or assessments shall be made against such stock. Applications for withdrawals are to be registered on the books of the association in the order received and after outstanding contracts have been provided for, at least one half of the collections made by the association must be used for the payment of the withdrawals in the order received; provided, however, that if applications for withdrawal are six (6) months old, all collections must be used for payment.

Registration of application for withdrawal.

HeinOnline -- 1929 326 1929

(9) To cancel shares of stock upon which all credits have been withdrawn, or upon which loans have been cancelled or stock upon which no payments have been made for a period of six (6) months, by returning to the stockholders all credits, if any, and re-issue such shares as new stock. Cancel stock.

(10) To issue stock to minors and permit the same to be withdrawn as other stock, and the receipt of such minor shall be valid acquittance if his rights have been fully secured to him. Minors.

(11) To acquire, hold, encumber and convey such real estate and personal property as may be necessary for the transaction of its business, or necessary to enforce or protect its securities. Provided, not over ten (10) per cent, of the assets of any association shall be invested in home office buildings, furniture and fixtures. Also ownership of other real property acquired in any manner or for any purpose shall not be held for more than five (5) years, except by permission of the Superintendent of Banks. Handling of real estate.

(12) To borrow money, only when necessary not exceeding twenty per cent (20) of its assets, and issue its promissory note therefor; provided, that the assets and securities of an association shall not be pledged or hypothecated to secure its borrowed money or for any other purpose, without the consent of the Superintendent of Banks. However, if the Superintendent of Banks determines that it is advisable to pledge assets in order that funds may be secured he may authorize such pledging or hypothecation; but in no event shall the margin of security pledged exceed twenty-five (25) per cent of the funds so borrowed. Borrowing of money.

(13) To make loans to members on the security of the shares of the association, and also on their notes secured by first mortgages on improved real estate, including suburban homes, but not on farm lands or mining property, for not to exceed sixty-five (65) per centum of the actual value of such real estate, and upon such terms and conditions as may be provided in the constitution and by-laws; provided however, that in all cases where the promissory note, or other written evidence of the loan made by any building and loan association required the payment of said loan, or the total aggregate sum of principal and interest in periodic installments, said promissory note, or other written evidence of debt Loans to members.

HeinOnline -- 1929 327 1929

shall specifically state the actual interest rate charged the borrower upon the unpaid balance of the principal amount at each periodic payment; provided, further, that when the note or other evidence of debt does not require the payment of said loan in periodic installments, the note or other evidence of debt shall specifically state the actual rate of interest to be charged the borrower.

Provided, however, that in all notes and mortgages now in force which do not specify the actual rate of interest charged the borrower upon the unpaid balance of the principal at each periodic payment, all payments made on the said notes must be distributed by crediting the same, first, upon the interest on the unpaid balance of the loan at the rate actually earned under the terms of the notes and mortgages, and the remainder upon the principal of the loan, and no charges or deductions from any of said periodic payments shall be permitted by any such association not specifically provided for in said promissory note or other evidence of such loan.

To cancel loans.

(14) To cancel such loans and release the securities on such terms as the Board of Directors may provide. But any borrower may have his loan cancelled upon the following terms, to-wit:

By paying all interest up to the date of cancellation and the sum actually borrowed, less payments on principal, dues paid in and the dividends credited.

(15) To invest the money of the Association in:

(a) The bonds and securities of the United States;

(b) The bonds and warrants of any state and of any county, city or school district in the State of Montana; and

(c) Not to exceed ten (10) per cent of the association assets in such other bonds and securities as may be approved by the Superintendent of Banks.

(16) To loan money to other building and loan associations.

Distribution of earnings.

(17) To make such annual or semi-annual distribution of all the earnings after payment of expenses and setting aside a sum for the contingent fund as herein provided.

(18) To amend its articles of incorporation by changing the name, place of business, the number of directors; to increase or decrease the capital stock by a majority

HeinOnline -- 1929 328 1929

vote of its directors; provided that no such amendments shall be effective until first approved by the Superintendent of Banks.

(19) To dissolve the corporation in accordance with the provisions of Chapter 57 of the Laws of 1927.

(20) To provide by constitution and by-laws, adopted or amended, by its board of directors for the proper exercise of the powers herein granted, and the conduct and management of its affairs.

(21) All such other powers as are necessary and proper to enable such corporation to carry out the purpose of its organization.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1929.

CHAPTER 164.

An Act to Amend Section 2234 of the Revised Codes of Montana 1921, Relating to the Distribution of Moneys Received on Account of Redemption When Property was Sold to the County, and Providing for Reports by the County Treasurer.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2234 of the Revised Codes of Montana 1921, be, and the same is hereby amended to read as follows:

Distribution of redemption moneys.

Section 2234. **Distribution of Such Redemption Moneys, Accounts, Etc.** Whenever property sold to the county, pursuant to the provisions of this chapter, is redeemed as herein provided, the moneys received on account of such redemption must be distributed as follows:

The original tax and the penalty and interest thereon paid in redemption must be apportioned and pro-rated to the credit of all the various funds, including State, County, School, School District, City, or Town in the ratio of their respective shares of the original tax. The

HeinOnline -- 1929 329 1929

county treasurer must keep an accurate account of all money paid in redemption of property sold to the county, and must, on the first Monday of June in each year make a detailed report, verified by his affidavit, of each account, year for year, to the state auditor, in such form as the state auditor may desire. Whenever the county receives from the county treasurer any grant of property so sold for taxes, the same shall be recorded, at the request of the county treasurer, free of charge, by the county clerk, and shall be immediately reported by the county treasurer to the board of county commissioners.

Accounts.

Section 2. All Acts and any parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1929.

CHAPTER 165.

An Act to Amend Section 363 of the Revised Codes of Montana of 1921, as Amended by Chapter 40 of the Laws of the Eighteenth Legislative Assembly of the State of Montana, 1923, Relating to the Salary of the Chairman of the State Board of Hail Insurance and Increasing the Same.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 363 of the Revised Codes of Montana of 1921, as amended by Chapter 40 of the Laws of the Eighteenth Legislative Assembly of 1923, be amended to read as follows:

Section 363. It shall be the duty of all public officers to perform the duties relative to hail insurance under this Act, without other compensation than that allowed by law. The Chairman of the State Board of Hail Insurance shall receive a salary of Two Hundred and Fifty Dollars, ($250.00) per month while actually engaged in service and actual traveling expenses, and all appointive officers under this Act shall be paid their actual traveling expenses and shall be allowed such per diem as the State Board of Hail Insurance may determine for each day of

Salary of Chairman of State Board of Hail Insurance.

HeinOnline -- 1929 330 1929

eight hours while actually engaged in service under this Act, out of the Hail Insurance Administrative Fund.

Financial report.

The Chairman of the State Board of Hail Insurance shall each year submit a full financial report of the operations of the department to the Governor of the State.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1929.

CHAPTER 166.

An Act Making it Unlawful to Drive a Motor Vehicle on the Highways of this State While Intoxicated or Under the Influence of Intoxicating Liquor or any Drug or Narcotic; Defining Certain Offenses Relative to Driving or Propelling Motor Vehicles; Prescribing Penalties; Providing for Forfeiture of License and for Giving Notice to the Registrar of Motor Vehicles.

Be it enacted by the Legislative Assembly of the State of Montana:

Driving while intoxicated.

Section 1. It shall be unlawful for any person while in an intoxicated condition or under the influence of intoxicating liquor or any drug or narcotic to drive, operate or run upon or over any highway or street or public thoroughfare within the State of Montana, whether within or without a municipality, any automobile, truck, motor cycle or any other motor vehicle.

Concealing identity.

Section 2. If any driver of an automobile, motor truck, motor cycle, or any motor vehicle shall collide with or injure any human being or injure any person or property by colliding with another vehicle, while operating such vehicle upon the highways of this State, shall conceal or attempt to conceal his identity by flight or shall alter, conceal or destroy the license tags or other means of identification of the vehicle driven by him or shall fail to report the accident, with the intention of concealing his identity he shall be deemed guilty of a felony and shall, upon conviction, be punished by imprisonment in

Felony and punishment.

HeinOnline -- 1929 331 1929

the State Prison for a term of not less than five years or more than twenty years.

Penalty for driving while intoxicated.

Section 3. **Penalty for Operating Motor Vehicle While in an Intoxicated Condition.** Any person driving, operating or running any such motor vehicle upon or over any highway, street or public thoroughfare of the State of Montana, whether within or without a municipality while intoxicated or under the influence of intoxicating liquor or of any drug or narcotic shall upon conviction thereof be fined not less than Fifty Dollars ($50.00) nor more than Three Hundred Dollars ($300.00) or shall be imprisoned in the county jail not less than thirty days nor more than six months, such fine or imprisonment shall be assessed against any such person so convicted regardless of whether or not his act or acts or omission have resulted in any damage to a person or property of any person, firm or corporation. Such conviction shall of itself forthwith operate as revocation of such driver's

License revoked.

license to operate any motor vehicle and shall of itself render such license null and void and the person so convicted and punished shall not be eligible to apply for or receive a license to operate any motor vehicle, nor shall he be permitted to drive, run or operate any such motor vehicle, for thirty days from the date of such conviction: if that person whose license has been revoked by his conviction of a violation of this Act aforesaid shall there-

Penalty, driving when license revoked.

after drive, run or operate upon any highway, street or public thoroughfare within this State, whether within or without a municipality any motor vehicle within the time for which his said license has been suspended or revoked, he shall upon conviction thereof be punished by a fine of not less than Two Hundred Dollars ($200.00) or more than Five Hundred Dollars ($500.00) or by imprisonment in the county jail not less than ninety days nor more than one year.

Additional penalties.

Section 4. **Additional Penalties.** In addition to the penalties heretofore provided, any person convicted of a violation of this Act shall be subject to the following penalties:

Thirty day prevention on first offense.

(1) For the first offense the motor vehicle being driven in such violation, if owned by the convicted person, shall not be used by such person for a period not less than thirty days, nor more than six months; provided, however, that nothing in this Section shall prevent any

HeinOnline -- 1929 332 1929

member of his family or other person from operating or driving such motor vehicle.

Second offense six months to one year.

(2) For the second offense the motor vehicle driven in committing such second offense, if owned by the convicted person, shall not be used by himself or any member of his family or by any person for any purpose whatsoever, for not less than six months, nor more than one year; provided, however, that the Court may within its discretion permit other members of the family of such convicted person or any other person to operate or drive such motor vehicle.

Notice to Registrar of Motor Vehicles.

(3) Where the foregoing additional penalties of this Section are imposed by judgment of any Court it shall be the duty of the Court imposing such penalty to give notice to the Registrar of Motor Vehicles of the entry of such judgment.

Definition of owner.

Section 5. Licensee of motor vehicle shall prima facie be deemed owner thereof. For the purpose of this Act the person appearing on the public records as licensee of any motor vehicle shall prima facie be deemed the owner thereof.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

Approved March 18, 1929.

HeinOnline -- 1929 333 1929

CHAPTER 167.

An Act to Amend Section 73 of Chapter 89, Laws of the Twentieth Legislative Assembly, Relating to Fees to be Paid the State Examiner and Superintendent of Banks For the General Fund, and Providing For the Transfer to the General Fund of the State of Moneys Now in the State Examiners Fund and Establishing a Special Examination Fund, Providing For Withdrawals Therefrom and For the Transfer of All Moneys Remaining Therein at the End of Each Current Year to the General Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 73 of Chapter 89, Laws of the Twentieth Legislative Assembly, be, and the same hereby is amended to read as follows:

All moneys to be credited to general fund.

Section 73. For the purpose of a just distribution of the expense incurred by the Department of the State Examiner, all moneys collected under the provisions of this Section shall be credited to the General Fund of the State, except as otherwise provided herein.

Contribution by each County.

COUNTIES. For the credit of such Fund, each County of the State, shall pay to the State Treasurer on or before the first day of July of each year, according to its taxable valuation for the preceding year as follows:

Counties having a taxable valuation of Five Million Dollars ($5,000,000.00) or less, One Hundred and Seventy-Five Dollars ($175.00).

Counties having a taxable valuation of from Five Million Dollars ($5,000,000.00) to Seven Million Dollars ($7,000,000.00), Two Hundred and Twenty-Five Dollars ($225.00).

Counties having a taxable valuation of from Seven Million Dollars ($7,000,000.00) to Ten Million Dollars ($10,000,000.00), Two Hundred and Fifty Dollars ($250.00).

Counties having a taxable valuation of from Ten Million Dollars ($10,000,000.00) to Fifteen Million Dollars ($15,000,000.00), Three Hundred Dollars ($300.00).

Counties having a taxable valuation of from Fifteen Million Dollars ($15,000,000.00) to Twenty Million Dollars ($20,000,000.00), Three Hundred and Fifty Dollars ($350.00).

HeinOnline -- 1929 334 1929

Counties having a taxable valuation of from Twenty Million Dollars ($20,000,000.00) to Thirty Million Dollars ($30,000,000.00), Four Hundred and Fifty Dollars ($450.00).

Counties having a taxable valuation of from Thirty Million Dollars ($30,000,000.00) to Forty Million Dollars ($40,000,000.00), Six Hundred Dollars ($600.00).

Counties having a taxable valuation of more than Forty Million ($40,000,000.00), Seven Hundred and Fifty Dollars ($750.00).

All consolidated County and City governments having a taxable valuation of from Thirty Million Dollars ($30,000,000.00) to Forty Million Dollars ($40,000,000.00) Eight Hundred Dollars ($800.00).

All consolidated County and City governments having a taxable valuation of more than Forty Million Dollars ($40,000,000.00), One Thousand Dollars ($1,000.00).

Contribution by cities and towns.

CITIES AND TOWNS. For the credit of such Fund, each City and Town of the State, shall pay to the State Treasurer, on or before the first day of July of each year, according to its taxable valuation for the preceding year, as follows:

Cities and Towns having a taxable valuation of Two Hundred Thousand Dollars ($200,000.00) or less, Twenty-Five Dollars ($25.00).

Cities and Towns having a taxable valuation of from Two Hundred Thousand Dollars ($200,000.00) to Five Hundred Thousand Dollars ($500,000.00), Fifty Dollars ($50.00).

Cities and Towns having a taxable valuation of from Five Hundred Thousand Dollars ($500,000.00) to Seven Hundred and Fifty Thousand Dollars ($750,000.00), Seventy-Five Dollars ($75.00).

Cities and Towns having a taxable valuation of from Seven Hundred and Fifty Thousand Dollars ($750,000.00) to One Million Dollars ($1,000,000.00), One Hundred Dollars ($100.00).

Cities and Towns having a taxable valuation of from One Million Dollars ($1,000,000.00) to Two Million Five Hundred Thousand Dollars ($2,500,000.00), One Hundred Fifty Dollars ($150.00).

HeinOnline -- 1929 335 1929

Cities and Towns having a taxable valuation of from Two Million Five Hundred Thousand Dollars ($2,500,000.00) to Five Million Dollars ($5,000,000.00), Two Hundred Dollars ($200.00).

Cities and Towns having a taxable valuation of from Five Million Dollars ($5,000,000.00) to Ten Million Dollars ($10,000,000.00), Two Hundred Fifty Dollars ($250.00).

Cities and Towns having a taxable valuation of more than Ten Million Dollars ($10,000,000.00), Three Hundred Dollars ($300.00).

Fee from free county high schools.

FREE COUNTY HIGH SCHOOLS. For the credit of said Fund, each Free County High School shall pay to the State Treasurer on or before the first day of July of each year, a fee in the amount of Twenty-Five Dollars ($25.00).

Contribution by irrigation districts.

IRRIGATION DISTRICTS. For the credit of said Fund, each Irrigation District under the supervision of the State Examiner, shall pay to the State Treasurer on or before the first day of July of each year, the following amounts:

Districts whose existing or proposed obligations are in excess of Two Hundred and Fifty Thousand Dollars ($250,000.00), Fifty Dollars ($50.00).

Districts whose existing or proposed obligations are less than Two Hundred and Fifty Thousand Dollars ($250,000.00), Twenty-Five Dollars ($25.00).

Contribution by banks and trust companies.

BANKS AND TRUST COMPANIES. For the credit of said Fund, each bank, trust company or investment company, under the supervision of the Superintendent of Banks, shall pay to the State Treasurer, on or before the first day of July of each year, a fee according to the following rates:

All banks, incorporated or unincorporated, having capital stock of Twenty-Five Thousand Dollars ($25,000.00) or under shall pay One Hundred Dollars ($100.00).

Those having capital stock of over Twenty-Five Thousand Dollars ($25,000.00) and up to and including Fifty Thousand Dollars ($50,000.00), shall pay One Hundred Twenty-Five Dollars ($125.00).

HeinOnline -- 1929 336 1929

Those having capital stock of over Fifty Thousand Dollars ($50,000.00) and up to and including Seventy-Five Thousand Dollars ($75,000.00) shall pay One Hundred Fifty Dollars ($150.00).

Those having capital stock of over Seventy-Five Thousand Dollars ($75,000.00) and up to and including One Hundred Thousand Dollars ($100,000.00), shall pay Two Hundred Dollars ($200.00).

Those having capital stock of over One Hundred Thousand Dollars ($100,000.00) and up to and including Three Hundred Thousand Dollars ($300,000.00), shall pay Three Hundred Dollars ($300.00).

Those having capital stock over Three Hundred Thousand Dollars ($300,000.00), shall pay Three Hundred Fifty Dollars ($350.00).

Contributions of building and loan associations.

BUILDING AND LOAN ASSOCIATIONS. For the credit of said Fund, each Building and Loan Association under the supervision of the Superintendent of Banks, shall pay to the State Treasurer, on or before the first day of July of each year, a fee based upon the total assets of such Association as shown by its last annual statement and upon the following rates:

All Building and Loan Associations having total assets in the amount of Fifty Thousand Dollars ($50,000.00), or less, shall pay a fee in the amount of Thirty-Five Dollars ($35.00).

Those having total assets in the amount of Fifty Thousand Dollars ($50,000.00) and less than Two Hundred Thousand Dollars ($200,000.00), shall pay a fee of Seventy-Five Dollars ($75.00).

Those having total assets in the amount of Two Hundred Thousand Dollars ($200,000.00) and less than Five Hundred Thousand Dollars ($500,000.00), shall pay a fee of One Hundred Dollars ($100.00).

Those having total assets in the amount of Five Hundred Thousand Dollars ($500,000.00) and less than One Million Dollars ($1,000,000.00), shall pay a fee of One Hundred Fifty Dollars ($150.00).

Those having total assets in the amount of One Million Dollars ($1,000,000.00) and less than One Million Five Hundred Thousand Dollars ($1,500,000.00), shall pay a fee of Two Hundred Dollars ($200.00).

HeinOnline -- 1929 337 1929

Those having total assets in the amount of One Million Five Hundred Thousand Dollars ($1,500,000.00) and less than Two Million Dollars ($2,000,000.00), shall pay a fee of Two Hundred Fifty Dollars ($250.00).

Those having total assets in the amount of Two Million Dollars ($2,000,000.00) and less than Three Million Dollars ($3,000,000.00), shall pay a fee of Three Hundred Dollars ($300.00).

Those having total assets in the amount of Three Million Dollars ($3,000,000.00) and less than Four Million Dollars ($4,000,000.00), shall pay a fee of Four Hundred Dollars ($400.00).

Those having total assets in the amount of Four Million Dollars ($4,000,000.00) and less than Five Million Dollars ($5,000,000.00), shall pay a fee of Five Hundred Dollars ($500.00).

Those having total assets in the amount of Five Million Dollars ($5,000,000.00) and less than Six Million Dollars ($6,000,000.00), shall pay a fee of Seven Hundred Dollars ($700.00).

Those having total assets in the amount of Six Million Dollars ($6,000,000.00) or more, shall pay a fee of Eight Hundred Dollars ($800.00).

Building and loan associations.

Provided further, that all Building and Loan Associations incorporated under the laws of other states, and doing business in the State of Montana under the supervision of the Superintendent of Banks, in addition to the regular fee as above set forth, shall pay to the examiners making such examination, their necessary traveling expenses including transportation and subsistence.

Special examinations and Fees.

Section 2. Special examinations may be made of any county, city, town, school district, irrigation district, high school, bank, building and loan association or any other office, board or commission, whether temporary or permanent, however created, and for whatever purpose, having the control, management, collection or disbursement of any public money of any character or description, when in the judgment of the State Examiner it shall be deemed necessary, and such special examinations shall be charged for at the rate of Fifteen Dollars ($15.00) per day for each examiner employed for the time actually consumed, together with necessary transportation. All special examination fees or charges so collected by the

HeinOnline -- 1929 338 1929

State Examiner and ex-officio Superintendent of Banks and paid to the State Treasurer, shall be placed in a special fund to be known as the Special Examination Fund to be drawn upon by the State Examiner and ex-officio Superintendent of Banks to defray the actual costs and expenses of such special examinations, but all moneys remaining in such special fund at the end of each current year shall be transferred by the State Treasurer to the General Fund.

In any case where the current examination shall not have been made prior to the first day of July of any year, the above fees must be paid as herein specified, provided, however, that all examinations shall cover the entire period from the date of the last examination.

Transfer of State Examiner fund.

Section 3. All moneys in the State Examiner Fund shall be transferred and paid over to the general fund of the State and the State Treasurer of Montana is hereby authorized and directed to make such transfers.

Section 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 18, 1929.

CHAPTER 168.

An Act to Amend Section One of Chapter 17, Laws of the Twentieth Legislative Assembly, State of Montana, 1927, Providing a Method by Which Refund or Drawback May Be Obtained of License Taxes Paid on Gasoline Handled; and Prescribing the Procedure for Obtaining Refund on Drawback.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 17, Laws of the Twentieth Legislative Assembly, State of Montana, 1927, be, and the same is hereby amended to read as follows:

Refund or drawback, when allowed.

Section 1. That any person who shall purchase and use any gasoline, with reference to which there has been paid, under the laws of this State licensing dealers in

HeinOnline -- 1929 339 1929

gasoline, a tax at the rate of five cents (5c) per gallon, for the purpose of operating or propelling stationery gas engines, tractors used for agricultural purposes other than on the public highways or streets of this State, motor boats, aeroplanes or air craft, or for cleaning or dyeing, or for any commerical use other than propelling vehicles upon any of the public highways or streets of this State, shall be allowed and paid as a refund or drawback an amount of money equal to five cents (5c) multiplied by the number of gallons of gasoline so purchased and used, upon presenting to the Board of Equalization of the State of Montana, within the time allowed by law, a sworn statement, accompanied by the original paid invoices showing such purchase and use, which statement shall set forth that the tax has been paid, the total amount of such gasoline so purchased and used by such consumer other than for propelling vehicles operated upon any of the public highways or streets of this State, and which statement shall contain such additional information as may be required by the Board of Equalization of the State of Montana on forms to be furnished by said Board, provided that such refund or drawback shall not exceed the tax imposed by law. All such applications for refunds or drawbacks shall be filed with the Board of Equalization of the State of Montana within six months after the date on which such gasoline was purchased as shown by such paid invoices. The Board of Equalization of the State of Montana shall have sixty days (60) thereafter within which to make such investigation as it may desire, to ascertain the truths of the statements made. If the statement is found to be correct by said Board of Equalization of the State of Montana, said refund or drawback shall be paid out of the Gasoline License Tax Drawback Fund in the same manner as other claims against the State are paid. Should the Board of Equalization of the State of Montana, after investigation, find that the statement so made by said consumer is false and erroneous in any part, it shall so report to the State Treasurer and shall at the same time make and file with the State Treasurer a correct statement of the amount of gasoline so used by such purchaser, and the State Treasurer shall then so pay to such purchaser the amount found by the Board of Equalization of the State of Montana to be due him.

Sworn statement to Board of Equalization.

File.

Investigation period.

Correction of statement.

Section 2. If any section, sentence, clause or phrase of this Act is for any reason held to be unconstitutional

Saving clause.

HeinOnline -- 1929 340 1929

or invalid such decision shall not affect the validity of the remaining portions of this Act. The Legislative Assembly of the State of Montana hereby declares that it would have passed this Act irrespective of the fact that any one or more sections, sentences, clauses, or phrases may be declared unconstitutional or invalid.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 18, 1929.

CHAPTER 169.

An Act Relating to Drainage Districts, Amending Sections 7284, 7307, 7322, 7323, 7327 of the Revised Codes of Montana, 1921, and 7342 of Said Codes as Amended by Chapter 109 of the Laws of 1923, Adding a Section to be Designated as Section 7364A to Said Codes, Providing for Filling of Vacancies in the Board of Commissioners, Specifying the Various Classes of Property, Persons and Corporations Against Which Assessments May be Made to Aid in Payment of Costs of Construction of Drains, Repairs, Up-keep, Administrative and Incidental Expenses of Drainage Districts, the Levy of Additional Assessments in Case Any Assessment be Declared Void and Providing for the Levy of Assessments Upon Certain Lands, Irrigation Ditches and Canals, to Aid in Payment of Cost of Construction of Drains, Which Lands, Ditches and Canals Were Not or Shall Not be Included in the Original Assessment for Costs of Such Construction.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7284 of the Revised Codes of Montana of 1921, as amended by Chapter 50 of the Session Laws of the Nineteenth Legislative Assembly, be, and the same is hereby amended so as to read as follows:

Section 7284. If a vacancy occur in the Board of Commissioners the remaining members of the Board shall elect some qualified elector to fill such vacancy and the person so elected shall hold such office for the unexpired term and until his successor is elected and qualified, provided,

Filling of vacancies.

HeinOnline -- 1929 341 1929

that the person so appointed must be appointed as a Commissioner for the division in which such vacancy exists. But in the event there is a vacancy or vacancies in the Board of Commissioners by reason of no appointment being made due to the failure of the remaining members of the Board to act, or on account of no election being held, then, in that event, the Judge of the Court having jurisdiction over said drainage district, shall, upon the receipt of a petition signed by ten per cent (10%) of the resident owners of land in said district, appoint to such vacancy or vacancies such person as the aforesaid petition may designate.

Section 2. That Section 7307 of the Revised Codes of Montana, 1921, be amended to read as follows:

Report as to assessments.

Section 7307. **Report as to Assessments.** Fourth: What lands, easements, irrigation ditches, cities, towns, counties, individuals and other corporations and persons should be assessed for the payment of any part of the cost of constructing the proposed drains, repairs thereto, maintenance thereof and the incidental expenses attached to the establishment of such drainage district. In apportioning such costs and expenses, the following principles shall be regarded and the following classes of property, persons, corporations and municipalities shall be assessed:

All lands which are swampy, bogged or water-logged, and will be relieved and improved by virtue of the construction of the proposed drainage system;

All lands which are becoming, or are liable to become swampy, bogged, or water-logged, and which the construction of the proposed drainage system will prevent from being thus affected;

All lands from which surface or seepage waters will enter or can be conducted into the proposed drainage system;

All lands upon which or through which, surface or seepage water will be prevented from flowing, or can be prevented from flowing, by virtue of the construction of the proposed drainage system;

All lands which will sustain any direct benefit of any kind or character whatsoever;

All railways, whether operated by steam, electricity or otherwise, whose right-of-way or roadbed will be bene-

HeinOnline -- 1929 342 1929

fited or can be benefited by reason of the construction of the proposed drainage system.

All owners of irrigation ditches or canals included within said district or from which water seeps, drains or wastes to, upon or through lands included within the said district;

The county or counties which the proposed drainage system traverses, or which will be benefited as to public health, convenience, welfare or improvement of any public highway;

All incorporated cities or towns, and lands included within townsites and subdivisions, in whole or in part, directly benefited by reason of the construction of the proposed drainage system;

All of the above classes of lands, railways, irrigation ditches, counties, cities, towns, townsites and sub-divisions shall be liable to assessment for the construction of the proposed drainage system in such proportions as may seem just and equitable.

The benfits to accrue from the construction of the proposed drainage system, to a railway, county, incorporated city or town, and lands included within a platted townsite or subdivision being of a different character than those to accrue to agricultural lands shall be considered in apportioning the assessment, and also, the damages and inconvenience caused by seepage and waste waters from irrigation ditches and from the higher lands, shall be considered in apportioning the assessment to them.

The assessment against each tract, lot, easement, town, city, county, irrigation ditch, railroad, individual or corporation owner thereof which will be benefited by the proposed work or which, in any manner, contributes to the swamped, seeped, bogged or water-logged condition of any land within said district, and the proportionate share of cost of construction of the proposed drainage system, which each of them should bear shall be shown in tabular form, the columns of which shall be headed as follows: Column 1—Owners of property assessed; 2—Description of property assessed; 3—Number of acres assessed; 4—Amount of benefits assessed; 5—Number of acres taken for right-of-way; 6—Value of property taken; 7—Damages; 8—Assessment for costs; which shall be known as the assessment roll. Where property, persons or corporations, public or private, contribute to

Form of assessments.

HeinOnline -- 1929 343 1929

the damaged condition of the lands to be reclaimed, it shall not be necessary to assess in such assessment roll the benefits to be derived by or accruing to them.

Section 3. That Section 7322 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Judgment on dismissal of proceedings.

Section 7322. **Judgment on Dismissal of Proceedings.** In case the petition or proceedings are dismissed as provided in Section 7297, a judgment shall be entered against the petitioners and in favor of the Commissioners for the costs, expenses, and liabilities incurred in said proceedings, but for the benefit of those who have rendered services or advanced money in the prosecution of said proceedings, or have recovered costs on successful contests therein.

Entry of judgment.

In case the proceedings are dismissed at any time or the district is discontinued for any cause subsequent to the time provided in Section 7297, a judgment shall be entered directing the Commissioners of the district to assess the costs, expenses, and liabilities incurred in said proceedings up to and including the time of such dismissal and discontinuation on an acreage basis against the

Lien.

lands in said district, which assessment shall be a lien upon said lands from the date of said judgment superior to the lien of any other judgment, mortgage or mechanic's lien against said lands. Said assessment shall be veri-

Verification.

fied by the Commissioners of the district the same as assessments to pay costs of construction and such assessments shall be spread upon the tax rolls of the Counties in which said district is situated and shall be collected by the County Treasurers of such Counties the same as assessments to pay costs of construction are collected.

When payable.

Such assessments shall be payable on or before November 30 following the date upon which they are so spread upon the assessment roll of such Counties. The money so collected shall be paid out upon warrants issued by the Commissioners of the district to those who have rendered service or advanced money in connection with said district or have recovered costs on successful contests therein. Should such assessment, for any cause, be not sufficient for all such costs, expenses and liabilities, then additional assessments shall be made and collected in like

Additional assessments.

manner until sufficient funds have been raised to pay all such costs, expenses and liabilities.

HeinOnline -- 1929 344 1929

Section 4. That Section 7323 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Statement of costs to be filed by commissioners before entry of judgment.

Section 7323. **Statement of Costs Before Entry of Judgment.** Before any such judgment is entered, said Commissioners shall file with the Clerk of the District Court, in which said proceedings were instituted, an itemized statement of such costs and expenses, duly verified, upon which an order shall issue requiring said petitioners or landowners to show cause before said Court, at a time and place named, why judgment should not be entered against said petitioners or landowners for the amount of said costs and expenses. Notice of the hearing of said order to show cause shall be given to said petitioners or landowners by mailing to each a copy thereof, to their last known post office address, at least twenty days prior to the time set for hearing, and by publication of the same in one or more newspapers published in the County where the proceedings are pending, at least three successive weeks prior to the day set for such hearing. Said notice need not contain an itemized statement of said account.

Section 5. That Section 7327 of the Revised Codes of Montana, 1921, be amended to read as follows:

Annual report of commissioners as to repairs and upkeep.

Section 7327. **Annual Report of Commissioners as to Repairs and Up-keep.** Commissioners having charge of any completed drain, ditch, levee, or other work shall be authorized in the case of an emergency to make such repairs as may be necessary for the preservation and protection of the work under their control. They shall, on or before the first Tuesday of March of each year, file with the Clerk of Court having jurisdiction a report in which they shall specify in detail the emergency repairs which they have made during the preceding year, and also the labor then necessary to the preservation and protection of the work under their control, the places where repairs are especially needed, and the sum to be assessed against each tract, lot, easement, or corporation to pay all necessary repairs, maintenance, incidental expenses, and interest on outstanding indebtedness. No notice of the filing of such report shall be necessary. All such assessments shall be apportioned on the last assessments confirmed by the Courts.

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Section 6. That Section 7342 of the Revised Codes of Montana, 1921, as amended by Chapter 109 of the Session Laws of 1923, be, and the same is hereby amended to read as follows:

Illegal assessments—costs—how defrayed.

Section 7342. **Illegal Assessments—Costs — How Defrayed.** In case the Court decides that any land should not have been assessed for drainage purposes, or that any assessment is void, the Commissioners of the district shall levy an additional assessment on all of the assessable lands, irrigation ditches, railroads, corporations and individual owners, based on the last assessment of the district approved by the Court, sufficient to pay the sum lost to the district by reason of such void assessment, or shall pay such sum out of the general fund of the district.

Section 7. That a new section, to be designated as Section 7364A of the Revised Codes of Montana, 1921, be, and is hereby enacted and added to the said Codes, as follows:

Assessment of lands benefited when outside of district.

Section 7364A. Whenever any lands, from which surface or seepage water enters any drain, or any lands upon which or through which surface or seepage water has been prevented from flowing because of the construction of any drain, have not been included within the drainage district which constructed such drains or drain, or the owner of any irrigation ditch or canal, from which water seeps, drains or wastes to, upon or through lands included within a drainage district, has not been assessed for the cost of construction of the drainage system of said drainage district, whether constructed before or after the passage of this Act, the Commissioners of such district may report said facts to the Court and ask that said lands, describing them, be brought into said district and assessed for their proportionate share of the cost of the drainage system of said drainage district and ask that the owner of any such irrigation ditch or canal be assessed its proportionate share of the costs of construction of such drainage system. Thereupon the same proceedings shall be had to determine the proper assessments, if any, to be levied against said lands and the owner of such irrigation ditch or canal to aid in payment of costs of construction as set out in Sections 7350, 7351, 7352, 7353, 7354 and 7355 for the determination and levy of assessments against drained lands, outside of drainage district receiving benefits from the drainage of said districts.

HeinOnline -- 1929 346 1929

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 18, 1929.

CHAPTER 170.

An Act to Amend Section 3282 Revised Codes of Montana of 1921, as Amended by Section 11 of Chapter 35 of the Session Laws of the Eighteenth Legislative Assembly of Montana of 1923, Providing a Schedule of Licenses for Producers and Manufacturers of Dairy Products; Authorizing the Supervision of Dairies by the Livestock Sanitary Board and Providing Penalties for the Violation of this Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3282 of the Revised Codes of Montana of 1921, as amended by Section 11 of Chapter 35 of the Session Laws of the Eighteenth Legislative Assembly of Montana of 1923, be, and the same is hereby amended to read as follows:

Section 3282. It shall be unlawful for the following classes of business to operate in the State of Montana without first securing a license from the Livestock Sanitary Board, to-wit:

Licenses from State Livestock Sanitary Board.

1. All dairies selling milk or cream for public consumption in the form in which it is originally produced and without having been converted into some manufactured product.

Dairies.

2. Condensed, evaporated or powder milk plants.

3. **Milk Plants.** A milk plant, as the term is used in this Act, shall be defined as a place where milk or cream, or both, is purchased or collected and prepared for distribution to the consumer in liquid form but is not produced at such place.

Milk plants.

The licenses herein provided for shall expire on the last day of December of the current year in which they are issued. Said licenses may be revoked at any time by the Livestock Sanitary Board, or said Veterinary Surgeon when they, or he, shall determine that a person to whom the license is issued has failed to comply with the rules and regulations of the Livestock Sanitary Board, or has

Term of licenses and revocation.

HeinOnline -- 1929 347 1929

failed to conduct his establishment in a sanitary manner. All licenses collected and herein provided for shall be paid into the General Fund.

Powers of Board to restrain.

Dairies producing milk or cream for sale to any dairy products manufacturing plant, or dairies producing only butter, shall not be required to take out a license but shall be required to comply with all the laws of the State, and with the regulations of the Livestock Sanitary Board governing dairies. The Livestock Sanitary Board, or its agent, are hereby authorized to issue a restraining order prohibiting any dairy from selling or giving away any milk or cream not produced or handled in accordance with the Laws of Montana, or the regulations of the Livestock Sanitary Board. It shall be unlawful for any dairy, while so restrained, to sell or give away for public consumption any milk or cream produced or handled by such dairy and it shall likewise be unlawful for any dairy products manufacturing plant, milk plant, or cream station to purchase or use the cream or milk from a dairy while such dairy is restrained by the Livestock Sanitary Board from selling milk or cream.

Schedule of license fees.

The following schedule of license fees shall be charged for all licenses issued under the provisions of this Section:

Condensed, evaporated or powdered milk factories having an output of less than five hundred thousand pounds, Five Dollars ($5.00).

Condensed, evaporated or powdered milk factories having an output of more than five hundred thousand pounds, Twenty Five Dollars ($25.00).

Milk plants, Five Dollars ($5.00).

Dairies of less than twenty cows, One Dollar ($1.00).

Dairies of more than twenty cows, Two and 50/100 Dollars ($2.50).

Violation and penalty.

Any person, firm or corporation violating any of the provisions of this Act or violating any restraining order of the Livestock Sanitary Board herein provided for shall be guilty of a misdemeanor and upon conviction shall be punished as provided by the Laws of Montana for the punishment of misdemeanors.

Section 2. This Act shall be in full force and effect on and after January 1, 1930.

Approved March 18, 1929.

HeinOnline -- 1929 348 1929

CHAPTER 171.

An Act Relating to Registration of Motor Vehicles; Relating to the Application for Registration; and the Furnishing and Production of County Treasurer's Certificates Relating to Taxes; Defining the Duties of the County Treasurer and the Registrar of Motor Vehicles and Providing a Penalty for Failure to Make Application for Registration Within a Prescribed Time, and repealing all of Chapter 123 of the Session Laws of the Twentieth Legislative Assembly of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That every owner of a motor vehicle at the time he pays the property tax upon his motor vehicle shall be entitled to receive from the County Treasurer to whom said tax is paid, and it is hereby made the duty of said County Treasurer to issue and deliver free of charge to said person, a certificate for each motor vehicle upon which the tax has been paid, stating the name of the owner to whom said motor vehicle is taxed, the year for which it is taxed, the engine number of the vehicle so taxed, and a statement that the taxes levied against said motor vehicle have been paid and the date of the payment. The said certificate shall be dated and signed by the County Treasurer or his Deputy, and sealed with the official seal of said Treasurer, and shall be executed in duplicate, the original of which shall be delivered to the owner as aforesaid and the duplicate shall be kept in the office of the County Treasurer as one of the public records in his office. If the taxes are a lien upon the real estate of the owner of said motor vehicle, said owner shall be entitled to receive from said County Treasurer, without the payment of the tax in full, or without the payment of any part of said tax, and the County Treasurer shall issue and deliver to him, upon demand, free of charge, a certificate in the manner and form hereinabove stated except that in lieu of the statement that the tax has been paid there shall be stated that the taxes are a lien upon the real estate of the owner of said vehicle.

Certificate showing tax paid.

When taxes are a lien on real estate.

Section 2. Any person making application to register a motor vehicle must send to the Registrar of Motor Vehicles with his said application a certificate from the

Certificate must accompany the application.

HeinOnline -- 1929 349 1929

County Treasurer as provided in Section 1 hereof, that the taxes on said motor vehicle have been paid, or are a lien on the real estate of the owner of said motor vehicle as the case may be, and the Registrar must not issue a certificate of registration unless the applicant furnishes the County Treasurer's certificate as herein provided.

When Treasurer may issue certificate.

Section 3. For taxes levied for the year 1928, the County Treasurer shall issue said certificates upon demand of the owners provided said taxes have been paid prior to the time this Act takes effect, or are paid after it takes effect, or are a lien upon the real estate of the owner of said motor vehicle.

Section 4. Whenever any application is made for the registration of a motor vehicle after the thirtieth day of April, in any year, the applicant shall be required to pay, in addition to the registration fee required therefor, a penalty of ten per centum (10%) of such registration fee for having failed to secure registration of such motor vehicle prior to such date; provided, however, that no such penalty shall be required to be paid when the applicant shall present with his application;

Penalty.

Exceptions.

New vehicle.

1. A certificate from a dealer in this State to the effect that such motor vehicle was not sold by such dealer as a used or second hand vehicle but as a new vehicle, and that it was not delivered to the purchaser by such dealer until after the thirtieth day of April in the year in which such application for registration is made;

Used cars delivered after 30th of April.

2. Or, a certificate from a dealer in this State to the effect that such motor vehicle was not delivered by the dealer to such purchaser until after the thirtieth day of April in the year in which application is made for registration, and that it was sold by such dealer as a used or second hand motor vehicle, but that it had been in the possession of such dealer, as a part of his stock, at all times since the thirty-first day of December, immediately preceding;

Out of State.

3. Or, an affidavit of the applicant that such motor vehicle was not brought into this State until after the thirtieth day of April in the year in which application is made for registration.

HeinOnline -- 1929 350 1929

Section 5. That all of Chapter 123 of the Session Laws of the Twentieth Legislative Assembly and all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect fifteen (15) days after its passage and approval.

Approved March 18, 1929.

CHAPTER 172.

An Act to Amend Section 3886, Revised Codes of Montana, 1921, Relating to the Filing of Annual Reports by Public Utilities with the Public Service Commission of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3886, Revised Codes of Montana, 1921, shall be, and the same is hereby amended to read as follows:

Section 3886. **Annual Report to Public Service Commission.** The accounts of such public utilities shall be closed annually on the thirty-first day of December, a balance sheet taken promptly therefrom, and full annual reports of the business be made to the Commission not later than the fifteenth day of March following the closing of the accounts; provided, however, that the accounts of any municipal utility shall be closed annually on the thirtieth day of June, a balance sheet taken promptly therefrom, and full annual reports of the business be made to the Commission not later than the fifteenth day of September following the closing of the accounts. The reports shall be in such form as prescribed by the Commission, and shall contain all the information deemed by the Commission necessary for the proper performance of its duties. The commission may at any time call for desired information omitted from such reports, or not provided for therein, whenever, in the judgment of the Commission, such information is necessary.

Annual reports to Public Service Commission.

When made.

Additional information.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force upon its passage and approval.

Approved March 18, 1929.

HeinOnline -- 1929 351 1929

CHAPTER 173.

An Act Authorizing the State Board of Prison Commissioners to Establish a Tannery at the Montana State Prison at Deer Lodge, Montana: Providing for the Purchase of Equipment, Hides and Materials for the Operation of Same; for the Employment of Convict Labor in Connection with the Operation Thereof and Disposal and Use of the Moneys Derived Therefrom.

Be it enacted by the Legislative Assembly of the State of Montana:

Authorization to establish tannery.

Section 1. That the Board of State Prison Commissioners is hereby authorized to establish at the Montana State Prison at Deer Lodge, Montana as part of the said Prison, a tannery. Said tannery shall be operated in conjunction with the other institutions of said Prison by the employment of labor of prisoners confined therein.

Equipment.

Cost.

Section 2. That the said Board is authorized to purchase such machinery, tools, materials and equipment as in its judgment are necessary and proper for the establishment and successful operation of said tannery, to be paid for out of the State Prison Fund, and any specific appropriations that may be made to said fund for this purpose; provided, the total cost of establishing said tannery shall not exceed the sum of Eight Thousand Dollars ($8,000.00). The Warden, under the direction of the Board is authorized to purchase hides and raw materials and all other things deemed necessary for the operation of said tannery, the cost of which, together with all costs and expenses of operating said tannery, shall likewise be paid from said State Prison Fund.

Section 3. In the operation of said tannery, there may be tanned and treated therein all hides belonging to the State of Montana; and any hides belonging to other persons and hides that may be purchased by the State. The said Board is hereby authorized to determine the prices that will be paid from time to time for hides purchased by the State, and what charge shall be made to other persons for the tanning and treatment of hides belonging to them.

Sale of hides.

Section 4. The said Board is also authorized to sell any and all hides owned by the State that may be tanned or treated in said Prison tannery, at such prices as it shall

HeinOnline -- 1929 352 1929

deem are fair market prices therefor, and all moneys received from the operation of said tannery shall be credited to the State Prison Fund.

Section 5 The Warden, under the direction of the Board of Prison Commissioners, shall have charge and supervision of the operation of said tannery.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

Approved March 18, 1929.

CHAPTER 174.

An Act to Provide for the Support of the Government of Montana for the Years 1929 and 1930.

Be it enacted by the Legislative Assembly of the State of Montana:

Ad valorem tax.

Section 1. There is hereby levied for the year 1929 for State purposes, to wit: for the support, maintenance and Montana subject to taxation an ad valorem tax of two (2) mills on each dollar of the taxable valuation of such property, as ascertained by taking the percentage of the true and full value provided by law for the purpose of taxation.

Ad valorem tax for schools.

Section 2. In addition to the levy above set forth, there is hereby levied for the year 1929 for the following State purposes, to wit: for the support, maintenance and improvement of the State University at Missoula, the State College of Agriculture and Mechanic Arts at Bozeman, the Montana State School of Mines at Butte, and the Montana State Normal College at Dillon, now comprised in the University of Montana, an ad valorem tax of one and one-half (1½) mills on each dollar of the taxable valuation of such property, as ascertained by taking the percentage of the true and full value provided by law for the purpose of taxation.

Tax to create sinking fund to cover bond issue.

Section 3. There is hereby levied upon all property in the State of Montana subject to taxation for the year 1929 ten-twelfths (10-12) of a mill on each dollar of tax-

HeinOnline -- 1929 353 1929

able valuation of such property, as ascertained and determined by taking the percentage of the true and full value provided by law for the purpose of taxation, for the purpose of paying the interest on and to constitute a sinking fund for the redemption of bonds issued by the State of Montana, pursuant to the provisions of a law initiated and approved by the people of the State of Montana, at the General Election held in November, 1920, and entitled: "A Bill to enact by the Initiative a law to authorize the State of Montana to become indebted in the sum of Five Million Dollars ($5,000,000.00) in excess of the Constitutional limitation of indebtedness and over and above any bonded indebtedness and heretofore incurred or created and for which the State of Montana is now obligated, for the construction, repair, and equipment of necessary buildings at the several educational institutions of the State of Montana now under the control of the State Board of Education, and consisting of the State University at Missoula, the State College of Agriculture and Mechanic Arts at Bozeman, the Montana State School of Mines at Butte and the Montana State Normal College at Dillon comprised in the University of Montana, and the State Orphans' Home at Twin Bridges, the Montana School for the Deaf and Blind at Boulder, the Montana State Industrial School at Miles City, and the State Vocational School for Girls at Helena; providing for the issuance of bonds in the name of the State of Montana as evidence of such indebtedness and for the sale thereof; prescribing the form of such bonds; and providing for the levying of an annual tax sufficient to pay the principal thereof and the interest accruing thereon." (Section 5606 to 5614, both inclusive, of the Revised Codes of Montana, 1921.)

Ad valorem tax for State purposes.

Section 4. There is hereby levied for the year 1930 for State purposes upon all of the property in the State of Montana subject to taxation an ad valorem tax of two (2) mills on each dollar of the taxable valuation of such property, as ascertained by taking the percentage of the true and full value provided by law for the purpose of taxation.

Tax for support, maintenance and improvement of State University.

Section 5. In addition to the levy above set forth, there is hereby levied for the year 1930 for the following State purposes, to-wit: for the support, maintenance and improvement of the State University at Missoula, the State

HeinOnline -- 1929 354 1929

College of Agriculture and Mechanic Arts at Bozeman, the Montana State School of Mines at Butte, and the Montana State Normal College at Dillon, now comprised in the University of Montana, an ad valorem tax of one and one-half (1½) mills on each dollar of the taxable valuation of such property, as ascertained by taking the percentage of the true and full value provided by law for the purpose of taxation.

Tax for sinking fund for redemption of bonds.

Section 6. There is hereby levied upon all property in the State of Montana subject to taxation for the year 1930 ten-twelfths (10/12) of a mill on each dollar of taxable valuation of such property, as ascertained and determined by taking the percentage of the true and full value provided by law for the purpose of taxation, for the purpose of paying the interest on and to constitute a sinking fund for the redemption of bonds issued by the State of Montana, pursuant to the provisions of a law initiated and approved by the people of the State of Montana, at the General Election held in November, 1920, and entitled: "A Bill to enact by the Initiative a law to authorize the State of Montana to become indebted in the sum of Five Million Dollars ($5,000,000.00) in excess of the Constitutional limitation of indebtedness and over and above any bonded indebtedness and heretofore incurred or created and for which the State of Montana is now obligated, for the construction, repair, and equipment of necessary buildings at the several educational institutions of the State of Montana now under the control of the State Board of Education, and consisting of the State University at Missoula, the State College of Agriculture and Mechanic Arts at Bozeman, the Montana State School of Mines at Butte and the Montana State Normal College at Dillon comprised in the University of Montana, and the State Orphans' Home at Twin Bridges, the Montana School for the Deaf and Blind at Boulder, the Montana State Industrial School at Miles City, and the State Vocational School for Girls at Helena, providing for the issuance of bonds in the name of the State of Montana as evidence of such indebtedness and for the sale thereof; prescribing the form of such bonds; and providing for the levying of an annual tax sufficient to pay the principal thereof and the interest accruing thereon." (Section 5606 to 5614, both inclusive, of the Revised Codes of Montana, 1921).

HeinOnline -- 1929 355 1929

Section 7. If any part of this Act should be declared invalid or unconstitutional, it shall not affect the validity of any other part of this Act.

Section 8. This Act shall be in full force and effect from and after its passage and approval.

Approved March 18, 1929.

CHAPTER 175.

An Act to Amend Section 8 of Chapter 19 of the Session Laws of the Twentieth Legislative Assembly of Montana Relating to Delinquent Gasoline Dealers and License Taxes; Prescribing the Duties of the State Board of Equalization with Reference Thereto, and the Fixing of the Amount of the Tax; Prescribing Penalties and Interest; Providing for Liens upon the Property of the Dealers for Delinquent Taxes, Penalties and Interest and the Method and Manner of their Release; and Prescribing the Duties of the State Treasurer and Attorney General with Reference to said Delinquent Taxes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8 of Chapter 19 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana be, and the same is hereby amended to read as follows:

Investigation of Board upon failure to file statement.

Section 8. If any dealer or other person subject to the payment of such license tax shall fail, neglect, or refuse to make any statement required by this Act, or shall fail to make payment of such license tax within the time herein provided, the State Board of Equalization shall, immediately after such time has expired, proceed to inform itself as best it may regarding the matters and things required to be set forth in such statement and from such information as it may be able to obtain, to make a statement showing such matters and things and determine and fix the amount of the license tax due the state from such delinquent dealer and shall add thereto a penalty of five per cent (5%) thereof for the first failure, neglect or refusal; ten per cent (10%) for the second; fifteen per cent (15%) for the third; and twenty-five per cent (25%) for the fourth, and each subsequent failure, neglect

HeinOnline -- 1929 356 1929

and refusal, which shall be in addition to the ten per cent penalty hereinbefore provided for non-payment of such license tax within the time herein provided. Said license tax and the penalties added thereto shall bear interest at the rate of one per cent (1%) per month from the date such statements should have been made and said license tax paid. The State Treasurer of the State of Montana shall then proceed to collect such license tax with penalties and interest. Upon the request of the State Treasurer it shall be the duty of the Attorney General to commence and prosecute to final determination in any court of competent jurisdiction an action to collect such license tax. All license taxes due from any dealer under the provisions of this Act, together with all penalties and interest thereon, shall be a lien upon any and all property of such dealer or other person upon the filing by the State Board of Equalization, of a duplicate copy of the statement so made by the State Board of Equalization, or a certified copy of any statement filed with said Board in the office of the County Clerk of the county where such property is situated, which lien shall have precedence over any other claim, lien or demand thereafter filed or recorded and which may be enforced in the name of the State of Montana in the same manner as other liens are enforced by law. No action shall be maintained to enjoin the collection of such license tax or any part thereof. When the amount due the State is paid in full and before the entry of foreclosure decree, the State Treasurer shall release the said lien by filing in the office of the County Clerk wherein is filed the said lien, a written release thereof. At any time prior to the payment of said taxes, penalty and interest, before the entry of foreclosure decree, the State Treasurer may release from the operation of said lien a part of said property to enable the dealer to mortgage, sell or otherwise dispose of the same in order to procure funds with which to pay said taxes. penalty and interest, provided there remains, in the judgment of the State Treasurer, sufficient property subject to said lien to insure the payment of the whole of said unpaid taxes, penalty and interest.

Interest.

Duties of Attorney General.

Lien.

Action to enjoin.

Release of lien.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 18, 1929.

HeinOnline -- 1929 357 1929

CHAPTER 176.

An Act to Amend Section 1632 of the Revised Codes of Montana 1921 Relating to Inspection of Highways and Construction Work by Boards of County Commissioners and Compensation Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1632 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Inspection of highways.

Section 1632. **Inspection of Highways and Construction Work Compensation.** The Board of County Commissioners may direct the County surveyor or some member or members of said board, to inspect the condition of any highway or highways or proposed highway or any work, contract or otherwise, under the direction, supervision or control of the county officials, being done or completed or any highway or bridge in the county during the progress of the work or before any work is commenced, or after completion and before payment therefor, and such person or persons making such inspection shall receive for making such inspection when so directed the sum of Eight Dollars ($8.00) per day and actual expense, which shall be audited and allowed in the same manner as other claims against the county; provided, however, that nothing in this Act shall be construed to alter or repeal the provisions of Chapter 102, Laws of the Twentieth Legislative Assembly of the State of Montana 1927, nor the provisions of the Act or Acts of the Twenty-first Legislative Assembly amendatory of said Chapter 102 of the Laws of the Twenty-first Legislative Assembly of the State of Montana.

Compensation.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 18, 1929.

HeinOnline -- 1929 358 1929

CHAPTER 177.

An Act to Amend Sections 2907, 2914, 2918, 2921, 2923, 2924, 2933, 2944, 2952, 2959, and 2981 of the Revised Codes of Montana of 1921, and Sections 2912, 2913, 2915, 2917, and 2920 of the Revised Codes of Montana of 1921, as Amended by Chapter 121, of the Session Laws of the Nineteenth Legislative Assembly of 1925, Relative to Workmen's Compensation.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2907 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Effect of mutual agreements.

Section 2907. **Contracts or Agreements for Hospital Benefits, Conditions Governing.** Nothing in this Act shall be construed as preventing employers and workmen from waiving the provisions of Section 2917, and entering into mutual contracts or agreements providing for hospital benefits and accommodations to be furnished to the employee.

Provisions of agreements.

Such hospital contract or agreements must provide for medical, hospital and surgical attendance for such employee for sickness contracted during the employment, except venereal diseases and sickness as a result of intoxication, as well as for injuries received arising out of and in the course of the employment.

Assessment limit.

No assessment of employees for such hospital contracts or benefits shall exceed One Dollar ($1.00) per month for each employee, except in cases where it shall appear to the satisfaction of the Board, after a hearing had for that purpose, that the actual cost of such service exceeds the said sum of One Dollar ($1.00) per month, and any such finding of the Board may be modified at any time when justified by a change of conditions, or otherwise, either upon the Board's own motion, or the application of any party in interest.

No profit for employers.

No profit, directly or indirectly, shall be made by any employer as a result of such hospital contract or assessments. It is the purpose and intent of this Act to provide that where hospitals are maintained by employers, such hospitals shall be no more than self-supporting from assessments of employees, and that where hospitals are

HeinOnline -- 1929 359 1929

maintained by other than the employer, all sums derived by assessment of employees shall be paid in full to such hospital without deduction by the employer. All contracts provided for herein shall be subject to the provisions of Section 2917, in so far as the same relates to cases of inadequate medical and hospital facilities. Whenever, in the opinion of the Board, it is necessary for an employee to have specialized medical and hospital service not furnished by the contracting hospital or physician the Industrial Accident Board is authorized to direct that such specialized medical and hospital treatment be given, and to pay for the same with a properly drawn warrant on the Industrial Accident Fund, not exceeding the sum of Three Hundred Dollars ($300.00), where the workman is under plan three and the insurance carrier under plans one and two, provided, however, that this Section shall apply only in cases where the average number of employees paying a monthly fee on the hospital and medical contract is less than two hundred and fifty employees.

Specialized medical care.

All contracts mentioned herein shall be filed with the Board, which shall have full power to approve or disapprove any such contract, and no payment shall be legally collectable under any such contract or incidental thereto until approval thereof by the Board.

Approval of board.

Section 2. That Section 2914 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Partial disability.

Section 2914. **For Partial Disability. For an Injury Producing Partial Disability.** Where the injured employee has no wife, child, father, mother, brother, or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of Fifteen Dollars ($15.00) per week; where the injured employee has a wife, or child, or father, or mother, or brother, or sister residing within the United States who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of Seventeen Dollars ($17.00) per week; where the injured em-

Classes of compensation.

HeinOnline -- 1929 360 1929

ployee has a wife and one child, or two children, or a father and mother, or two or more brothers and, or sisters residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of Eighteen Dollars ($18.00) per week; where the injured employee has a wife and two children, or three children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum (62½%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of Nineteen Dollars ($19.00) per week; where the injured employee has a wife and three children, or four children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of Twenty Dollars ($20.00) per week; where the injured employee has a wife and four or more children, or five or more children residing within the United States who would be entitled to compensation in case of his death, sixty-six and two thirds per centum (66-2/3%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of Twenty-one Dollars ($21.00) per week; not exceeding, however, the maximum compensation allowed in cases of total disability, and not exceeding the total compensation provided in this Act for the total loss of the member causing such partial disability. Such compensation shall be paid during the period of disability, not exceeding, however, five hundred (500) weeks in cases of permanent partial disability, and fifty (50) weeks in cases of temporary partial disability, subject to change when the number of dependents decreases.

Section 3. That Section 2918 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

HeinOnline -- 1929 361 1929

Period of compensation.

Section 2918. **Compensation From What Date Paid.** Where an injured employee has no wife, child, father, mother, brother or sister residing within the United States who would be entitled to compensation in case of his death, no compensation shall be allowed or paid during the first two weeks of any injury, except as may be required by the provisions of the preceding section, but if disability continues six weeks, compensation shall be paid from the date of injury. Where the injured employee has a beneficiary or a major or minor dependent residing within the United States who would be entitled to compensation in case of his death, no compensation shall be paid for the first week of any injury, except as may be required by the provisions of the preceding section, but if disability continues three weeks, compensation shall be paid from the date of injury.

Section 4. That Section 2921 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Hernia.

Section 2921. **Hernia Cases.** A workman, in order to be entitled to compensation for hernia, must clearly prove:

(1) That the hernia is of recent origin;

(2) That its appearance was accompanied by pain;

(3) That it was immediately preceded by some accidental strain suffered in the course of the employment; and,

(4) That it did not exist prior to the date of the alleged injury.

Compensation.

If a workman, after establishing his right to compensation for hernia, as above provided, elects to be operated upon, a special operating fee of not to exceed One Hundred Dollars ($100.00) shall be paid by the employer, the insurer, or the Board, as the case may be. In case such workman elects not to be operated upon, and the hernia becomes strangulated in the future, the results from such strangulation will not be compensated.

Section 5. That Section 2923 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Further injury.

Section 2923. **Adjustment of Compensation in Case of Further Injuries.** Should a further accident occur to a workman who is already receiving compensation here-

HeinOnline -- 1929 362 1929

under, or who has been previously the recipient of a payment or payments under this Act, his further compensation shall be adjusted according to the other provisions of this Act, and with regard to his past receipt of compensation.

Section 6. That Section 2924 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Compensation in case of change of degree of injury.

Section 2924. **Compensation in Case of Changes in Degree of Injury.** If aggravation, diminution, or termination of disability takes place or be discovered after the rate of compensation shall have been established, or compensation terminated in any case, where the maximum payments for disabilities as provided in this Act have not been reached, adjustments may be made to meet such changed conditions by increasing, diminishing or terminating compensation payments in accordance with the provisions of this Act.

Section 7. That Section 2933 of the Revised Codes of Montana of 1921, be, and same is hereby amended to read as follows:

Notice of claims for injuries other than death.

Section 2933. **Notice of Claims for Injuries Other Than Death.** No claims to recover compensation under this Act for injuries not resulting in death shall be maintained unless, within thirty days after the occurrence of the accident which is claimed to have caused the injury, notice in writing, stating the name and address of the person injured, the time and place where the accident occurred, and the nature of the injury, and signed by the person injured, or some one in his behalf, shall be served upon the employer or the insurer, except as otherwise provided in Section 2900 of the Revised Codes of Montana of 1921, as amended by Chapter 121 of the Session Laws of the Nineteenth Legislative Assembly of 1925; provided, however, that actual knowledge of such accident and injury on the part of such employer or his managing agent or superintendent in charge of the work upon which the injured employee was engaged at the time of the injury shall be equivalent to such service.

Section 8. That Section 2944 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

HeinOnline -- 1929 363 1929

Certificates and certified copies as evidence.

Section 2944. **Certificates and Certified Copies as Evidence.** Copies of official documents and orders filed or deposited according to law in the office of the Board, certified to by a member of the Board, or by the Secretary under the official seal of the Board, to be true copies of the original, shall be evidence in like manner as the originals. In any court proceeding, wherein the question as to whether or not an employer or employee has complied with and is operating under or bound by the provisions of the Workmen's Compensation Act of the State of Montana, is a question for determination, a certificate by a member of the Board, or by the Secretary under the official seal of the Board, certifying that such employer or employee has or has not complied with, and is or is not operating under, and is or is not bound by the provisions of the Workmen's Compensation Act of the State of Montana, shall be prima facie evidence thereof.

Section 9. That Section 2952 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Jurisdiction to rescind or amend any order, decision, award.

Section 2952. **Jurisdiction to Rescind or Amend any Order, Decision, Award, Etc.** The Board shall have continuing jurisdiction over all its orders, decisions and awards, and may at any time, upon notice, and after opportunity to be heard is given to the parties in interest, rescind, alter, or amend any such order, decision or award made by it upon good cause appearing therefor. Provided, that the Board shall not have power to rescind, alter, or amend any final settlement or award of compensation more than two years after the same has been made, and provided further that the Board shall not have the power to rescind, alter or amend any order approving a full and final compromise settlement of compensation. Any order, decision, or award rescinding, altering or amending a prior order, decision, or award, shall have the same effect as original orders or awards.

Section 10. That Section 2959 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Appeal to District Court.

Section 2959. **Appeal To District Court.** Within thirty days (30) after the application for a rehearing is denied, or, if the application is granted, within thirty days (30) after the rendition of the decision on the rehearing, and within twenty days (20) after notice thereof, any party

HeinOnline -- 1929 364 1929

affected thereby may appeal to the District Court of the Judicial District of the State of Montana, in and for the county in said State wherein the accident or injury occurred or the employer may have his place of residence, or if such employer be a corporation, may have its principal office or place of business, and said appeal shall be for the purpose of having the lawfulness of the original order, decision, or award, or order, decision or award on rehearing inquired into and determined.

Section 11. That Section 2981 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Agreement of insurer.

Section 2981. **Agreement to be Contained in Policies of Insurance—Deposit of Bonds.** No such policy shall be issued unless it contains the agreement of the insurer that it will promptly pay to the person entitled to compensation all the installments of compensation or other payments in this Act provided for, and that the obligation shall not be affected by any default of the insured after the injury, or by any default in the giving of any notice required by such policy or by this Act or otherwise. Such agreement shall be construed to be a direct promise by the insured to the person entitled to compensation. Before issuance of any policy by an insurer as herein authorized, such insurer must deposit with the Treasurer of the Industrial Accident Board, bonds of the United States or the State of Montana, or of any school district, county, city or town in the State of Montana, in an amount not less than Five Thousand Dollars ($5,000.00) or more than Twenty Thousand Dollars ($20,000.00), as the Industrial Accident Board may determine. If any insurer shall fail to discharge any liability after the amount thereof shall be determined by the Board, and within the time limited by the Board, it shall be the duty of the Board to convert said bonds, or such part thereof as is necessary, into cash, and from the proceeds liquidate such liability; and thereafter said insurer must make an additional deposit to meet any deficiency caused thereby. It is intended hereby to give the Industrial Accident Board the discretion in the matter of whether an insurer has failed to discharge any liability.

Deposit of bonds.

Section 12. That Section 2912 of the Revised Codes of Montana of 1921, as amended by Chapter 121 of the Session Laws of the Nineteenth Legislative Assembly of 1925, be, and the same is hereby amended to read as follows:

HeinOnline -- 1929 365 1929

Compensation for injury producing temporary total disability.

Section 2912. **Compensation for Injury Producing Temporary Total Disability.** For an injury producing temporary total disability. Where the injured employee has no wife, child, father, mother, brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the weekly wages received at the time of the injury, subject to a maximum compensation of Fifteen Dollars ($15.00) per week; where the injured employee has a wife, or child, or father, or mother, or brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the weekly wages received at the time of the injury, subject to a maximum compensation of Seventeen Dollars ($17.00) per week; where the injured employee has a wife and one child, or two children, or a father and mother, or two or more brothers and, or sisters residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60%) of the weekly wages received at the time of the injury, subject to a maximum compensation of Eighteen Dollars ($18.00) per week; where the injured employee has a wife and two children, or three children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum (62½%) of the weekly wages received at the time of the injury, subject to the maximum compensation of Nineteen Dollars ($19.00) per week; where the injured employee has a wife and three children, or four children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65%) of the weekly wages received at the time of the injury, subject to a maximum compensation of Twenty Dollars ($20.00) per week; where the injured employee has a wife and four or more children, or five or more children residing in the United States who would be entitled to compensation in case of his death, sixty-six and two-thirds per centum (66-2/3%) of the weekly wages received at the time of the injury, subject to a maximum compensation of Twenty-one Dollars ($21.00) per week; and subject in all casess to a minimum compensation of Eight Dollars ($8.00) per week, and subject to change when the number of beneficiaries or dependents decreases. Such compensation shall be paid during the period of disability, but for the period not ex-

HeinOnline -- 1929 366 1929

ceeding three hundred weeks (300) from the date of injury.

Section 13. That Section 2913 of the Revised Codes of Montana of 1921, as amended by Chapter 121 of the Session Laws of the Nineteenth Legislative Assembly of 1925, be, and the same is hereby amended to read as follows:

Compensation for total disability permanent in character.

Section 2913. **Compensation for Injury Producing Total Disability Permanent in Character.** For an injury producing total disability permanent in character. Where the injured employee has no wife, child, father, mother, brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the weekly wages received at the time of the injury subject to a maximum compensation of Fifteen Dollars ($15.00) per week; where the injured employee has a wife, or child, or father, or mother, or brother, or sister residing within the United States who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the weekly wages received at the time of the injury, subject to a maximum compensation of Seventeen Dollars ($17.00) per week; where the injured employee has a wife and one child, or two children, or a father and mother, or two or more brothers and, or sisters residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60%) of the weekly wages received at the time of the injury, subject to a maximum compensation of Eighteen Dollars ($18.00) per week; where the injured employee has a wife and two children, or three children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum (62½%) of the weekly wages received at the time of the injury, subject to a maximum compensation of Nineteen Dollars ($19.00) per week; where the injured employee has a wife and three children, or four children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65%) of the weekly wages received at the time of the injury, subject to a maximum compensation of Twenty Dollars ($20.00) per week; where the injured employee has a wife and four children, or five or more children residing within the United States who would be entitled to compensation in case of his death, sixty-six and two-thirds per centum

HeinOnline -- 1929 367 1929

(66-2/3%) of the weekly wages received at the time of the injury, subject to a maximum compensation of Twenty-one Dollars ($21.00) per week; and subject in all cases to a minimum compensation of Eight Dollars ($8.00) per week, and subject to change when the number of beneficiaries or dependents decreases. Such compensation shall be paid during the period of disability, but for the the period not exceeding five hundred (500) weeks from the date of injury.

Section 14. That Section 2915 of the Revised Codes of Montana of 1921, as amended by Chapter 121 of the Session Laws of the Nineteenth Legislative Assembly of 1925, be, and the same is hereby amended to read as follows:

Compensation for injury causing death.

Section 2915. **Compensation for Injury Causing Death —Where the Injury Causes Death—For Beneficiaries Residing Within the United States:** Where decedent leaves one beneficiary, fifty per centum (50%) of the wages received at the time of the injury, subject to a maximum compensation of Fifteen Dollars ($15.00) per week; where decedent leaves two beneficiaries, fifty-five per centum (55%) of the wages received at the time of the injury, subject to a maximum compensation of Seventeen Dollars ($17.00) per week; where decedent leaves three beneficiaries, sixty per centum (60%) of the wages received at the time of the injury, subject to a maximum compensation of Eighteen Dollars ($18.00) per week; where decedent leaves four beneficiaries, sixty-two and one-half per centum (62½%) of the wages received at the time of the injury, subject to a maximum compensation of Nineteen Dollars ($19.00) per week; where decedent leaves five beneficiaries, sixty-five per centum (65%) of the wages received at the time of the injury, subject to a maximum compensation of Twenty Dollars ($20.00) per week; where decedent leaves six or more beneficiaries, sixty-six and two-thirds per centum (66-2/3%) of the wages received at the time of the injury, subject to a maximum compensation of Twenty-One Dollars ($21.00) per week, and subject in all such cases to a minimum compensation of Eight Dollars ($8.00) per week.

Beneficiaries residing within the United States

Beneficiaries residing outside the United States.

For Beneficiaries Residing Outside of the United States: Where decedent leaves one beneficiary, forty per centum (40%) of the compensation which would be payable to such beneficiary, if residing within the United States; where decedent leaves two beneficiaries, forty-five per centum (45%) of the compensation which would

HeinOnline -- 1929 368 1929

be payable to such beneficiaries, if residing within the United States; where decedent leaves three beneficiaries, forty-seven and one-half per centum (47½%) of the compensation which would be payable to such beneficiaries, if residing within the United States; where decedent leaves four or more beneficiaries, fifty per centum (50%) of the compensation which would be payable to such beneficiaries, if residing within the United States.

No beneficiaries.

If the decedent leaves no beneficiaries, then compensation shall be payable as follows: To his major dependents, if any, residing in the United States at the date of the happening of the injury; where decedent leaves one major dependent, fifty per centum (50%) of the wages received at the time of the injury, subject to a maximum compensation of Fifteen Dollars ($15.00) per week; where decedent leaves two major dependents, fifty-five per centum (55%) of the wages received at the time of the injury, subject to a maximum compensation of Seventeen Dollars ($17.00) per week.

No major dependents.

If the decedent leaves no major dependents, compensation shall be payable to his minor dependents, if any, if residing within the United States at the date of the happening of the injury, as follows: Where decedent leaves one minor dependent, thirty per centum (30%) of the wages received at the time of the injury; where decedent leaves two minor dependents, thirty-five per centum (35%) of the wages received at the time of the injury; where decedent leaves three or more minor dependents, forty per centum (40%) of the wages received at the time of the injury.

Maximum compensation.

All such payments of compensation provided for in this section shall be subject to a maximum compensation of Twenty-one Dollars ($21.00) per week for a period not exceeding four hundred weeks (400) and subject to change, when the number of beneficiaries or dependents decreases, and provided, further, that compensation payable to major or minor dependents shall not exceed the amount of dependency.

Section 15. That Section 2917 of the Revised Codes of Montana of 1921, as amended by Chapter 121 of the Session Laws of the Nineteenth Legislative Assembly of 1925, be, and the same is hereby amended to read as follows:

HeinOnline -- 1929 369 1929

Medical and hospital services.

Section 2917. **Medical and Hospital Services to be Furnished.** During the first six months after the happening of the injury, the employer or insurer or the Board, as the case may be, shall furnish reasonable medical, surgical and hospital service and medicines when needed, not exceeding in amount the sum of Five Hundred Dollars ($500.00), unless the employee shall refuse to allow them to be furnished, and unless such employee is under a hospital contract, as provided in Section 2907 of this Act.

Facilities adequate.

And it is further provided that when such employee is under a hospital contract as above and when hospital or medical facilities or both are inadequate to the needs of an injured employee in a particular case such injured employee may, at any time, be placed where adequate hospital facilities are obtainable, and the cost thereof in whole or in part shall be a legal charge against the one so contracting to furnish hospital facilities, and the amount of such charge and the necessity therefor shall be determined by the Board.

Section 16. That Section 2920 of the Revised Codes of Montana of 1921, as amended by Chapter 121 of the Session Laws of the Nineteenth Legislative Assembly of 1925, be, and the same is hereby amended to read as follows:

Compensation for specified injuries.

Section 2920. **Compensation in Case of Specified Injuries.** In case of the following specified injuries, the compensation in lieu of any other compensation provided by this Act, other than that provided in Section 2917, unless the employee is a contributor to a hospital fund or otherwise in this Act provided, shall be as follows: Where the injured employee has no wife, child, father, mother, brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the wages received at the time of the injury, subject to a maximum compensation of Fifteen Dollars ($15.00) per week; where the injured employee has a wife, or child, or father, or mother, or brother, or sister residing within the United States who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the wages received at the time of the injury, subject to a maximum compensation of Seventeen Dollars ($17.00) per week; where the injured employee has a wife and one child, or two children, or a father and mother, or two or more brothers and, or sisters residing within the United States who would be entitled

HeinOnline -- 1929 370 1929

to compensation in case of his death, sixty per centum (60%) of the wages received at the time of the injury, subject to a maximum compensation of Eighteen Dollars ($18.00) per week; where the injured employee has a wife and two children, or three children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum (62½%) of the wages received at the time of the injury, subject to a maximum compensation of Nineteen Dollars ($19.00) per week; where the injured employee has a wife and three children, or four children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65%) of the wages received at the time of the injury, subject to a maximum compensation of Twenty Dollars ($20.00) per week; where the injured employee has a wife and four or more children, or five or more children residing within the United States who would be entitled to compensation in case of his death, sixty-six and two-thirds per centum (66-2/3%) of the wages received at the time of the injury, subject to a maximum compensation of Twenty-one Dollars ($21.00) per week; subject to change, when the number of beneficiaries or dependents decreases, and subject in all cases to a minimum compensation of Eight Dollars ($8.00) per week, and shall be paid for the following periods:

For the loss of:

One arm at or near shoulder	200 weeks
One arm at the elbow	180 weeks
One arm between wrist and elbow	160 weeks
One hand	150 weeks
One thumb and the metacarpal bone thereof	60 weeks
One thumb at the proximal joint	30 weeks
One thumb at the second distal joint	20 weeks
One first finger and the metacarpal bone thereof	30 weeks
One first finger at the proximal joint	20 weeks
One first finger at the second joint	15 weeks
One first finger at the distal joint	10 weeks
One second finger and the metacarpal bone thereof	30 weeks
One second finger at the proximal joint	15 weeks
One second finger at the second joint	10 weeks
One second finger at the distal joint	5 weeks
One third finger and the metacarpal bone thereof	20 weeks

HeinOnline -- 1929 371 1929

One third finger at the proximal joint	12 weeks
One third finger at the second joint	8 weeks
One third finger at the distal joint	4 weeks
One fourth finger and the metacarpal bone thereof	12 weeks
One fourth finger at the proximal joint	9 weeks
One fourth finger at the second joint	6 weeks
One fourth finger at the distal joint	3 weeks
One leg at or near the hip joint as to preclude the use of an artifical limb	200 weeks
One leg at or above the knee where stump remains sufficient to permit the use of an artificial limb	150 weeks
One leg between the knee and ankle	140 weeks
One foot at the ankle	125 weeks
One great toe with the metatarsal bone thereof	30 weeks
One great toe at the proximal joint	15 weeks
One great toe at the second joint	10 weeks
One toe other than the great toe with the metatarsal bone thereof	12 weeks
One toe other than the great toe at proximal joint	6 weeks
One toe other than the great toe at second or distal joint	3 weeks
One eye by enucleation	120 weeks
Total blindness of one eye	100 weeks
Total loss of hearing, one ear	20 weeks
Total loss of hearing, both ears	120 weeks

What constitutes total disability.

The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or any two thereof, in one accident, in the absence of conclusive proof to the contrary shall constitute total disability, permanent in character. Provided, however, that the percentage of permanent disability caused by any single accident or injury shall be so computed as to cover the permanent disability caused by that particular injury without reference to any previous physical ailment or defect or to any injury previously suffered or any permanent disability caused thereby.

Section 17. All Acts and parts of Acts in so far as the same are in conflict herewith are hereby repealed.

Section 18. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 21, 1929.

HeinOnline -- 1929 372 1929

CHAPTER 178.

An Act to Amend Section 13 of Chapter 19, Laws of Twentieth Legislative Assembly, State of Montana, 1927, Relating to the Disposition of Moneys Received in Payment of Gasoline License Taxes Imposed Under the Provisions of Said Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 13 of Chapter 19, Laws of Twentieth Legislative Assembly, State of Montana, 1927, be, and the same is hereby amended to read as follows:

Section 13. All money received by the State Treasurer in payment of license taxes under the provisions of this Act shall be deposited and credited (a) seventy-five per centum (75%) to the State Highway Fund, and (b) twenty-five per centum (25%) to a special fund designated as 'Gasoline License Drawback Fund.'

Disposition of license tax funds.

All money so collected and deposited in the Gasoline License Tax Drawback Fund shall be used for the purpose of making such refunds and paying such drawbacks as are authorized by law to be made or paid to purchasers of gasoline used in this State for other purposes than the propulsion of motor vehicles over the public highways and streets of this State, provided, however, that at the close of each fiscal year, the State Treasurer shall transfer all money remaining unexpended in said Gasoline License Tax Drawback Fund to the State Highway Fund; provided further, that if at any time the money in said Gasoline License Tax Drawback Fund is insufficient in amount to pay duly authorized and approved refunds or drawbacks, the State Treasurer shall transfer from the State Highway Fund a sum or sums sufficient in amount to meet and pay all such outstanding authorized and duly approved refunds or drawbacks.

Use of money in "Gasoline License Drawback Fund."

All money so collected and deposited or transferred to said State Highway Fund shall be used and expended by the State Highway Commission in the construction, reconstruction, betterment, maintenance, administration and engineering on the Federal Highway system of highways in this State selected and designated under the provisions of the Federal Aid Act, approved July 11, 1916, and the Federal Highway Act, approved November 9, 1921, and all amendments thereto, and for the purpose of

Use of "State Highway Fund."

HeinOnline -- 1929 373 1929

construction, reconstruction, betterment, maintenance, administration and engineering of highways leading from each county seat in the State to said Federal Highway system of Federal Aid roads where such county seat is not on said system, and for the purpose of construction, reconstruction, betterment, maintenance, administration and engineering of such other roads as have been or may be authorized by the laws of Montana, for the collection and enforcement of this Act; provided, that the total cost to the State of administration and engineering on the Federal Aid work contemplated by this Act shall not exceed for any fiscal year eight per centum (8%) of the total of State, Federal Aid and other available funds expended under the supervision of the State Highway Commission.

Saving clause.

Section 2. If any section, sentence, clause or phrase of this Act is for any reason held to be unconstitutional or invalid such decision shall not affect the validity of the remaining portions of this Act. The Legislative Assembly of the State of Montana hereby declares that it would have passed this Act irrespective of the fact that any one or more sections, sentences, clauses, or phrases may be declared unconstitutional or invalid.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 21, 1929.

CHAPTER 179.

An Act to Amend Sections 4026, 4027, 4028, 4040 and 4050 of the Revised Codes of Montana of 1921, Defining Investment Companies and Securities, Exempting Certain Securities From the Provisions Thereof; Providing for the Registration of Agents of Investment Companies and Permits to Do Business and Prescribing Fees to Be Paid by Investment Companies and Stockbrokers and Agents Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4026 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

HeinOnline -- 1929 374 1929

Section 4026. **'Investment Company' Defined—To Whom Law Applicable.** The name 'Investment Company,' as used in this Act, shall include: All domestic and foreign corporations, whether incorporated or unincorporated, associations, joint stock companies, partnerships, firms, trusts, common law companies, syndicates, pools, or any other form of organization or association organized or proposed to be organized, except as otherwise provided in this Act, who shall sell, attempt to sell, or negotiate for the sale of, or of taking subscriptions for any stock, units or shares, or securities of any kind or character, to any person or persons in the State of Montana.

Definition of investment company.

Section 2. That Section 4027 of the Revised Codes of Montana of 1921, be, and the same is hereby amended and re-enacted to read as follows:

Section 4027. **Definition of Term 'Securities,' Section 4026.** The term 'Securities,' Section 4026, as used in this Act, shall be taken to mean shares, bonds, debentures, evidence of indebtedness, certificates of interest or participation, certificates of interest in a profit sharing agreement, collateral trust certificates, contracts, investment contracts, or any other instrument commonly known as a security.

Definition of securities.

Section 3. That Section 4028 of the Revised Codes of Montana of 1921, be, and the same is hereby amended and re-enacted to read as follows:

Section 4028. **Exemptions.** The provisions of this Act shall not apply to the following securities:

Exemptions.

(1) Securities of the United States or of any foreign government, or of any state or territory, or of any county, city, township, district or other public taxing subdivision of any state or territory of the United States or any foreign government.

Government.

(2) Securities of public or quasi-public corporations, the issues of which are regulated by a state officer or board of this State, or by a state officer or board of similar authority, of any state or territory of the United States, or securities senior thereto.

Public corporation.

(3) Securities of state or national banks or trust companies, or building and loan associations authorized by the superintendent of banks to do business in this State.

Banks.

HeinOnline -- 1929 375 1929

Insurance.

(4) Policy contracts of insurance companies licensed to do business in this State.

Non-profit companies.

(5) Securities of any domestic corporation not organized for profit.

Co-operative associations.

(6) Securities of any cooperative association organized in good faith under the laws of this State, exclusively for the purpose of conducting upon the cooperative plan, among its stockholders, any or all of the following business: Any agricultural, dairy, livestock or produce business, the business of selling, marketing or otherwise handling any agricultural, dairy or livestock products, or other produce raised or produced by the stockholders of such association, or by any cooperative association, the manufacture of any products from any agricultural, dairy or livestock products, or other produce, produced by the members of such association, any business incidental to any of the above purposes, the operation of a rural telephone among its stockholders.

Securities listed on exchange.

(7) Securities listed on the New York Stock Exchange, the Boston Stock Exchange or the Chicago Stock Exchange, which securities have been so listed pursuant to official authorization by such exchange, and all securities senior to any securities so listed or represented by subscription rights which have been so listed or evidences of indebtedness guaranteed by companies, any stock of which is so listed, such securities to be exempt only so long as such listing shall remain in effect.

Mortgages.

(8) Notes secured by mortgages for real estate located in the State of Montana.

Sold by owner.

(9) Securities sold by the owner for the owner's account exclusively when not made in the course of continued and repeated transactions of a similar nature.

Domestic corporations with no Commission payment.

(10) Stock of a domestic corporation, issued by said corporation, and sold by it or subscriptions taken for same, without the payment of any commission or expense to solicitors, agents or brokers in connection with the sale thereof.

Domestic common law trust or syndicate.

(11) Units of a domestic common law trust or syndicate issued by such syndicate or trust and sold or subscriptions taken for the sale of same by such trust or syndicate without the payment of any commission or expense to solicitors, agents or brokers in connection with the sale of same.

HeinOnline -- 1929 376 1929

Section 4. That Section 4040 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Registration of agents and permits to do business.

Section 4040. **Registration of Agents and Permits to do Business.** Any investment company or stockbroker may appoint one or more agents, but no such agent shall do any business as provided in this Act for said investment company or stockbroker in this State until he shall be registered with the investment commissioner as an agent of such investment company or stockbroker and, for each of such registrations, there shall be paid to the investment commissioner the sum of Five Dollars ($5.00), and said investment commissioner shall issue to each agent so registered an individual permit entitling him to represent such investment company or stockbroker in the State of Montana as its agent until the first day of March following, when it shall be necessary to re-register such agent. Such permit, however, shall be subject to revocation at any time by the investment commissioner for cause appearing to him sufficient.

Section 5. That Section 4050 of the Revised Codes of Montana of 1921, be, and the same is hereby amended and re-enacted to read as follows:

Section 4050. **Fees.** The following fees shall be paid to the Investment Commissioner:

Fees filing original papers.

(a) The fee for filing the original papers of an investment company or stockbroker shall be Twenty Five Dollars ($25.00) as provided by Section 4033.

(b) The fee for Agents' Licenses shall be Five Dollars ($5.00), as provided by Section 4040.

Filing annual statement.

(c) The fee for filing the annual statement of an investment company or stockbroker shall be Two Dollars and Fifty Cents ($2.50), as provided by Section 4041.

When payable.

(d) For the credit of the General Fund, each investment company, domestic or foreign, licensed under this Act and selling the class of securities as defined in Section 4027, shall pay to the Investment Commissioner on or before the first day of July, each year, a fee based upon the total assets of such investment company, as shown by its last annual statement and upon the following rates:

All investment companies selling installment bonds, installment contracts, installment certificates, or a business

HeinOnline -- 1929 377 1929

$50,000 or under. of like kind or character selling securities as defined in Section 4027 of this Act, having total assets in the amount of Fifty Thousand Dollars ($50,000.00), or less, shall pay a fee of Twenty Five Dollars ($25.00).

Between $50,000 and $100,000. Those having total assets in the amount of Fifty Thousand Dollars ($50,000.00) and less than One Hundred Thousand Dollars ($100,000.00), shall pay a fee of Fifty Dollars ($50.00).

Between $100,000 and $300,000. Those having total assets in the amount of One Hundred Thousand Dollars ($100,000.00) and less than Three Hundred Thousand Dollars ($300,000.00), shall pay a fee of Seventy Five Dollars ($75.00).

Between $300,000 and $600,000. Those having total assets in the amount of Three Hundred Thousand Dollars ($300,000.00) and less than Six Hundred Thousand Dollars ($600,000.00), shall pay a fee of One Hundred Dollars ($100.00).

Between $600,000 and $1,000,000. Those having total assets in the amount of Six Hundred Thousand Dollars ($600,000.00) and less than One Million Dollars ($1,000,000.00), shall pay a fee of One Hundred Fifty Dollars ($150.00).

Between $1,000,000 and $2,000,000. Those having total assets in the amount of One Million Dollars ($1,000,000.00) and less than Two Million Dollars ($2,000,000.00) shall pay a fee of Two Hundred Dollars ($200.00).

Between $2,000,000 and $5,000,000. Those having total assets in the amount of Two Million Dollars ($2,000,000.00) and less than Five Million Dollars ($5,000,000.00) shall pay a fee of Three Hundred Dollars ($300.00).

$5,000,000 and over. Those having total assets in the amount of Five Million Dollars ($5,000,000.00), or more, shall pay a fee of Five Hundred Dollars ($500.00).

Fee for general fund. (e) For the credit of the General Fund, each stockbroker, domestic or foreign, licensed under this Act and handling the class of securities as defined in Section 4027, shall pay to the Investment Commissioner a fee in the sum of Five Dollars ($5.00), for each and every issue of security or securities as defined in Section 4027, handled by such broker.

Collection and deposit. (f) All fees provided for in this Act shall be collected by the Investment Commissioner and, by him, shall be deposited with the State Treasurer, for the credit of the General Fund.

HeinOnline -- 1929 378 1929

Saving clause.

Section 6. If any clause, sentence, paragraph, section, or other part whatsoever, of this Act shall for any reason be held invalid or inoperative, the remainder of this Act shall not thereby be invalidated, impaired, or in anywise affected, and such holding shall be confined in its effect to the clause, sentence, paragraph, section, or other part of this Act, directly adjudged to be invalid or inoperative.

Section 7. All Acts and parts of Acts in conflict with this Act are hereby repealed to the extent of such conflict.

Section 8. This Act shall be in force and effect upon its passage and approval.

Approved March 21, 1929.

CHAPTER 180.

An Act to Amend Section 182 of the Revised Codes of the State of Montana, 1921, as Amended by Chapter 85 of the Session Laws of the Eighteenth Legislative Assembly, 1923, Relating to the Depositing of Funds in the Hands of the State Treasurer; and Providing for the Security to be Delivered by the Banks Designated as Depositories by the State Depository Board.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 182 of the Revised Codes of the State of Montana, as amended by Chapter 85 of the Session Laws of the Eighteenth Legislative Assembly, 1923, is hereby amended to read as follows:

State Depository Board.

Solvent banks.

Section 182. **State Depository Board—Funds in the Hands of the State Treasurer.** It shall be the duty of the State Treasurer to deposit public moneys in his possession and under his control in solvent banks located in the State of Montana, except as otherwise provided by law, subject to national supervision or state examination, as designated by the State Depository Board, and no other; provided, that all banks so designated shall undertaken and agree, as a condition precedent to the deposit of any funds in such bank, that interest shall be paid upon the daily balances of all such deposits at a rate prescribed by the said board, which shall not be less than two and

HeinOnline -- 1929 379 1929

Interest on balances.

one-half per cent (2½%) per annum, payable quarter-annually, and all deposits shall be adequately and properly secured to the Treasurer as herein specified. No deposits shall be made of State funds by said Depository Board, nor by the State Treasurer under the direction of said Board, unless such bank shall first have delivered to the State Treasurer or trustee with some solvent bank, as hereinafter provided, as security thereof, bonds of the United States Government and its dependents, bonds of the United States Federal Land Banks, bonds and warrants of the State of Montana, bonds and warrants of any County of the State of Montana, and bonds of any city, town, or School District of the State of Montana, which are a general obligation of such county, city, town, or school district, in at least an amount equivalent to the amount of such deposit, or bonds of some good solvent surety company authorized to do business in the State of Montana, in at least the amount of such deposit, which bonds or security shall be first approved by the State Depository Board; provided, that the State Depository Board may require security in a greater amount than that above named; provided, that when negotiable securities are furnished, such securities may be placed in trust and the trustees receipt may be accepted in lieu of the actual securities when such receipt is in favor of the State Treasurer, his successors in office, and the State of Montana, and the form of receipt and the trustees have been approved by the State Examiner. No deposit of said funds shall be made or permitted to remain in any bank unless such bank shall have first been designated as a Depository by said Depository Board, nor until the security for the deposit shall have first been deposited with the State Treasurer, or placed with a trustee, as herein provided, and been approved by the State Depository Board. In designating the depositories for State Funds, the State Depository Board shall, as near as may be found practicable, make designation of depositories in the respective counties of the State, and cause to be deposited in them public funds in proportion to the amount of public revenue received from such counties by the State. All interest paid and collected on deposits shall be by the State Treasurer credited to the General Fund of the State. The State Depository Board shall have the power of directing the withdrawal by the State Treasurer of all moneys from any bank for any reason. When moneys shall have been deposited, under the direction of said Depository Board,

Bonds for security.

Must be designated a depository and securities approved.

Location of depositories.

Duties of Board and State Treasurer.

HeinOnline -- 1929 380 1929

and in accordance with the law, the Treasurer shall not be liable for loss on account of any such deposit occurring through damage by the elements, or for any other cause or reason occasioned through means other than his own neglect, fraud, or dishonorable conduct. It shall be the duty of the State Treasurer to deposit funds in such banks, and in such amounts as may be designated by the State Depository Board, and to withdraw such deposits when instructed so to do by the said Board; provided, that the State Treasurer shall at all times keep a cash reserve in State Depositories provided for by this Act, of at least fifteen per cent (15%) of all State funds, and no permanent investment shall be permitted which will in any manner impair such reserve. But said State Treasurer shall have the authority, either with or without the direction of said State Depository Board, to withdraw all of such deposits, or any part thereof, from time to time, to pay and discharge the legal obligations of the State, duly presented to him in accordance with the law, except as above. Nothing herein shall be construed as limiting or impairing the right of the State Board of Land Commissioners to invest public moneys in bonds or other securities as otherwise provided by law.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 21, 1929.

HeinOnline -- 1929 381 1929

CHAPTER 181.

An Act to Amend Section 1755 of the Revised Codes of Montana of 1921, as Amended by Chapter 177 of the Laws of 1925 and by Chapter 129 of the Laws of 1927, and to Amend Section 1759 of Said Revised Codes, as Amended by Chapter 113 of the Laws of 1925, All Relating to Registration and Re-registration of Motor Vehicles, Trailers and Semi-Trailers, Motor and Automobile Accessories Dealers, and Operators and Chauffeurs, Certificates of Title, and Duties of Registrar of Motor Vehicles, and Residents Operating a Motor Vehicle Under Foreign License, and Providing Penalties for the Violation of the Provisions of this Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1755 of the Revised Codes of Montana of 1921, as amended by Chapter 177 of the Laws of 1925 and by Chapter 129 of the Laws of 1927, be, and the same is hereby amended to read as follows:

Section 1755. **Duties of registrar of motor vehicles—records.**

Duties of Registrar.

1. The warden of the State penitentiary be, and is hereby constituted the registrar of motor vehicles, trailers and semi-trailers, of motor and accessories dealers and of operators and chauffeurs, and that as such it shall be his duty to keep a record as hereinafter specified of all motor vehicles, trailers and semi-trailers of every kind, and certificates of title thereof, of all dealers in motor vehicles and automobile accessories, and of operators and chauffeurs, and to assign to each a distinctive serial registration number.

Records.

2. In the case of motor vehicles, trailers and semi-trailers, the record shall show the following: Name of owner, residence by town and county, business address, manufacturer of car, manufacturer's designation of style of car or vehicle, manufacturer's serial number, year of manufacture, character of motive power and manufacturer's horse-power rating; if any, and shipping weight of car as shown by the manufacturer, and the distinctive serial number assigned such car or vehicle, also whether or not to be exclusively for commercial purposes, and if so, manufacturer's rating of load carrying capacity, and such other information as may from time to time be found desirable.

HeinOnline -- 1929 382 1929

Record of dealers.

3. In the case of dealers the record shall show the name of the applicant, his residence, and address by town and county, his business address, the distinctive number assigned him, and the name or names of new cars handled by him.

Bond, Salary

Expense.

4. The registrar of motor vehicles shall qualify by giving a bond of fifty thousand dollars ($50,000.), providing for the faithful performance of his duty. He shall be entitled to one deputy at a salary not to exceed three thousand dollars ($3,000.) and two civilian clerks at a salary not to exceed one hundred fifty dollars ($150.) per month, who shall be selected by said registrar of motor vehicles, the salary of which deputy and the salaries of which clerks shall be fixed by the State Board of Examiners. The remaining clerical help shall be selected by the registrar of motor vehicles from among the inmates of the state penitentiary.

Equipment.

5. All office equipment, books, files and records belonging to the motor vehicle department shall be in the care and general custody and control of the registrar of motor vehicles at the state penitentiary.

Transmission of moneys.

6. The registrar of motor vehicles shall on the twenty-fifth day of each month transmit to the State Treasurer all moneys collected by him, including any and all moneys collected for any data furnished, and for transcribing any information asked for, for which a reasonable fee shall be charged, all of which shall be included as a part of the motor vehicle fund.

Licenses of other states.

No. 7. **Resident owners operating motor vehicles under license issued by any State other than Montana.** It shall especially be provided that a resident of the State of Montana shall not operate a motor vehicle under a license issued by any State other than Montana.

Lists of licenses.

8. The registrar of motor vehicles shall at the end of each month perpare lists of licenses sold for the current month, showing the number and kind of license sold, the name and address of party to whom sold, the engine number and make of car and kind of trailer and semi-trailer in proper cases. Such lists shall be distributed to the sheriffs, clerks and recorders, assessors and treasurers of each county of the state, and to chiefs of police of each incorporated city of the state by the registrar of motor vehicles.

HeinOnline -- 1929 383 1929

Section 2. That Section 1759 of the Revised Codes of Montana of 1921, as amended by Chapter 113 of the Laws of 1925, be, and the same is, hereby amended to read as follows:

Section 1759. **Registration and re-registration of Motor Vehicles, Trailers and Semi-Trailers.**

1. Every owner of a motor vehicle, trailer or semi-trailer operated or driven upon the public highway of this State shall, for each motor vehicle, trailer or semi-trailer owned, except as herein otherwise expressly provided, cause to be filed by mail, or otherwise, in the office of the registrar of motor vehicles, a verified application for registration on a blank to be furnished by the registrar of motor vehicles for that purpose, and containing the information therein called for. Each application must be accompanied by the registration fee hereinafter named. Registration must be renewed and fees paid annually and application for registration must be filed with the registrar of motor vehicles not later than January first of each year. All original registrations or re-registrations shall be made with the registrar of motor vehicles and certificates of title issued by him.

Application for registration by owner.

2. Every dealer in motor vehicles or automobile accessories shall cause to be filed, by mail or otherwise, in the office of the registrar of motor vehicles, a verified application for registration as a dealer on a blank to be furnished by the registrar of motor vehicles for that purpose, and containing the information therein called for. Each application must be accompanied by the registration fee hereinafter named. Dealers' registration must be renewed and paid for annually, and application for re-registration must be filed not later than January first of each year. Upon the registration of a dealer, the registrar of motor vehicles shall assign to such dealer a distinctive serial registration number as a dealer and furnish every dealer in motor vehicles with not less than two sets of number plates, and as many more as the fee he shall pay will entitle him to, which number plates shall be similar to number plates furnished by the registrar to owners of motor vehicles but shall bear thereon, in addition to the serial number assigned such dealer, the word "Dealer" or the letter "D". Nothing contained in this paragraph shall be construed to authorize a dealer in motor vehicles to operate or use any motor vehicle, trailer or semi-trailer otherwise than in the usual, ordinary conduct of his busi-

Application for registration by dealer.

HeinOnline -- 1929 384 1929

ness unless registered in accordance with the first paragraph of this section, and upon it being made to appear to the satisfaction of the registrar that any such dealer has used his dealer's license otherwise than in the usual, ordinary conduct of his business, the registrar may revoke such dealer's license.

Number plates.

3. **Must have number plates.** No person shall operate a motor vehicle, trailer or semi-trailer upon the public highways of this state without a license and unless such vehicle shall have been properly registered and shall have the proper number plates conspicuously displayed, one on the front and one on the rear of such vehicle, each securely fastened so as to prevent the same from swinging and unobstructed from plain view, except that trailers and semi-trailers shall have but one number plate conspicuously displayed on the rear. No person shall display on such vehicle at the same time any number assigned to it under any motor vehicle law, except as in this Act otherwise provided.

Replacement when plate is lost.

4. **Replacing number plates or certificates.** In the event of loss, mutilation, or destruction of a certificate of registration or number plate, the owner of the registered motor vehicle, trailer or semi-trailer may again register with the registrar of motor vehicles and receive a new number, upon filing in the office of the registrar of motor vehicles a sworn declaration showing the fact and payment of a fee of one dollar for such registration. The original registration shall thereupon be cancelled.

Exemption of non-resident owners.

5. **Exemption of non-resident owners.** The provisions of the foregoing sections relative to registration and display of registration number shall not apply to a motor vehicle, trailer or semi-trailer owned by a non-resident of this state temporarily sojourning in this state, if such motor vehicle, trailer or semi-trailer be registered in the state in which the owner thereof resides, and there be displayed thereon the proper number plate of such state; provided, that any non-resident owner of any motor vehicle, trailer or semi-trailer, having sojourned in this state more than ninety days, shall be required to take out a license for such motor vehicle, trailer or semi-trailer within the state, and the registrar or the sheriff of any county where such vehicle may be found may seize and hold the same until the license for such motor vehicle is paid and license obtained.

HeinOnline -- 1929 385 1929

Resident owners.

No. 6. **Resident owners operating Motor Vehicles under license issued by any state other than Montana.** It shall especially be provided that a resident of the State of Montana shall not operate a Motor Vehicle under a license issued by any state other than Montana.

Time when dealers may obtain licenses.

7. Dealers and motor vehicles, trailers and semi- trailers may be registered and re-registered and licenses and certificates issued at any time during the year, but all registration, licenses and certificates shall cease to be effective after December 31st of the year in which the same are issued.

Section 3. **Penalty for Violation of Act.**

Penalty for violation.

1. The violation of any of the provisions of this Act, except sub-section 5 of section 2, shall constitute a misdemeanor, and shall be punishable by a fine of not exceeding twenty-five dollars. Nothing herein contained shall prevent the prosecution of a person for an offense committed under any other law.

Mandatory to enforce.

2. It is hereby made mandatory upon all peace and police officers of the state, of the counties of the state, and of towns, cities and villages to carry out the provisions of this Act and arrest the drivers or owners of any vehicle being used or driven in violation of any of the provisions of this Act, or any dealer violating any of the provisions of the same.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall take effect and be in full force from and after December 31st, 1929.

Approved March 22, 1929.

HeinOnline -- 1929 386 1929

CHAPTER 182.

An Act to Amend Section 1760 of the Revised Codes of Montana of 1921, as Amended by Chapter 107 of the Laws of 1923 and by Chapter 88 of the Laws of 1927, Relating to Registration Fees for Motor Vehicles, Trailers, Semi-Trailers, and Dealers in Motor Vehicles or Automobile Accessories.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1760 of the Revised Codes of Montana of 1921, as amended by Chapter 107 of the Laws of 1923 and by Chapter 88 of the Laws of 1927, be, and the same is, hereby amended to read as follows:

Section 1760. **Registration Fees.**

1. Registration fees shall be paid to the registrar of motor vehicles upon registration or re-registration of motor vehicles, trailers, semi-trailers and dealers in motor vehicles or automobile accessories, in accordance with this Act, as follows:

Dealers licenses.

Dealers in motor vehicles other than motorcycles, a minimum fee of thirty dollars, which shall entitle such dealer to two sets of number plates, and five dollars additional fee for each additional set of number plates up to six sets, and two dollars additional fee for each additional set of number plates above six, as may be applied for by such dealer.

Dealers in motorcycles, twenty-two dollars and fifty cents.

Dealers in automobile accessories, except automobile dealers, ten dollars.

Motor vehicles, other than motor trucks, weighing twenty-seven hundred and fifty pounds or under, Ten Dollars.

Motor vehicles, other than motor trucks, weighing over twenty-seven hundred and fifty pounds and weighing less than forty-five hundred pounds, Fifteen Dollars.

Motor vehicles, other than motor trucks, weighing forty-five hundred pounds or over, Twenty-Five Dollars.

All of said rates on motor vehicles, other than motor trucks, to be based on manufacturer's certified weights.

HeinOnline -- 1929 387 1929

Electrically driven passenger vehicles, fifteen dollars.

All motorcycles, four dollars.

Trucks not over one ton capacity, ten dollars.

Trucks not over one and one-half ton capacity, sixteen dollars.

Trucks over one and one-half and not over two tons capacity, twenty-two dollars and fifty cents.

Trucks over two and not over three tons capacity, thirty-seven dollars and fifty cents.

Trucks over three and not over five tons capacity, sixty dollars.

Trucks over five tons capacity, two hundred dollars.

Busses shall be classed as motor trucks and licensed accordingly.

Trailers or semi-trailers, one and one-half ton capacity or over, five dollars.

All rates to be twenty-five per cent higher for motor vehicles, trailers, and semi-trailers when not equipped with pneumatic tires.

Bicycle with motor attachment, one dollar and fifty cents.

Disposition of fees to county.

The registrar of motor vehicles shall first deduct from all fees paid under the provisions of this Act, the actual cost of making and shipping all licenses, certificates, license plates and identification marks, and shall transmit the remainder of the fees so paid to the county from which the registration fee came, to be used by said county for the construction, repair and maintenance of all public highways within said county, including city streets forming component parts of arterial highways within the corporate limits of cities within the boundaries of said county.

One-half fee.

2. If any dealer or motor vehicle or trailer or semi-trailer is originally registered between June 30th and September 30th in any year, the registration fee for the remainder of such year shall be one-half of the regular fee above given and if originally registered after September 30th in any year, one-fourth of the regular fee.

Dealers branch establishments.

3. A dealer in motor vehicles or automobile accessories who shall maintain more than one place of business or who shall maintain any branch establishment or establish-

HeinOnline -- 1929 388 1929

ments, must register and pay a registration fee for each such place of business or establishment.

4. A registered dealer who may sell and dispose of his entire business to any other person may have his certificate of registration transferred to such purchaser, upon filing with the registrar of motor vehicles a statement containing the name of the registered dealer, the number under which such dealer is registered, the name of the purchaser, and the location of the place of business so sold. Upon the filing of such statement, accompanied by a filing fee of one dollar, the registrar of motor vehicles shall note upon the registration record such change of ownership. But no certificate of registration can be so transferred unless the entire business of the dealer holding such certificate of registration be sold and disposed of, and no such certificate of registration can be transferred to any person other than the purchaser of such business.

Transfer of dealers certificate.

5. The provisions of this Act with respect to payment of registration fees shall not apply or be binding upon motor vehicles, trailers, or semi-trailers owned or controlled by the United States of America, or by any state, city or county; but in all other respects the provisions of this Act shall be applicable and binding upon motor vehicles, trailers and semi-trailers so owned.

Exemptions.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after December 31, 1929.

Approved March 22, 1929.

HeinOnline -- 1929 389 1929

CHAPTER 183.

An Act to Amend Section 1 of Chapter 113 of the Laws of 1925, Defining Certain Words and Phrases.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 113 of the Laws of 1925, be, and the same is, hereby amended to read as follows:

Definitions.

Section 1. **Definitions.** The words and phrases used in this Act shall be construed as follows, unless the context may otherwise require:

"Motor vehicle"

(a) The term "motor vehicle" shall include all vehicles which are self-propelled, except motorcycles operated by policemen or firemen when on official business, also all motor vehicles, including trucks owned and operated by municipalities, or by the state, or by any state institution; provided, that the same shall be designated by proper signs in which department of said municipality or state, or institution, said trucks or other motor vehicles are employed, traction engines, road rollers, fire wagons, fire engines, police patrol wagons and such vehicles as run only upon rails or tracks.

"Trailer."

(b) The term "trailer" shall include every vehicle without motive power designated to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

"Semi-Trailer."

(c) The term "semi-trailer" shall include every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

"State."

(d) The term "state" as used in this Act, except where otherwise expressly provided, shall also include the territories and the federal districts of the United States.

"Owner."

(e) The term "owner" shall also include any person, firm, association or corporation renting a motor vehicle or having the exclusive use thereof, under a lease or otherwise, for a period of greater than thirty days, and shall also include a contract vendee.

"Vehicle."

(f) "Vehicle." Any motor vehicle as herein defined.

HeinOnline -- 1929 390 1929

(g) "Used Vehicle." A motor vehicle which has been sold, bargained, exchanged, given away or title transferred from the person who first took title to it from the manufacturer or importer, dealer or agent of the manufacturer or importer, and so used as to have become what is commonly known as "second hand" within the ordinary meaning thereof. "Used Vehicle."

(h) "Manufacturer." A person, firm, corporation or association engaged in the manufacture of new motor vehicles, trailers, or semi-trailers, as a regular business. "Manufacturer."

(i) "Dealers." Any person, firm, corporation or association engaged in the purchase and sale of motor vehicles, new or second hand, trailers or semi-trailers, or in the leasing of the same for a period of thirty or more successive days. And any such dealer may at his option engage in the purchase and sale of automobile accessories without the special license otherwise required of dealers in such accessories. "Dealers."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after December 31st, 1929.

Approved March 22, 1929.

CHAPTER 184.

An Act to Provide for the Creation of a State Library Extension Commission, Prescribing the Duties of Said Board and Making an Appropriation for the Maintenance Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. A commission is hereby created to be known as the State Library Extension Commission, consisting of the Librarian of the State University, the State Superintendent of Public Instruction, and one other member to be appointed for a term of three years by the Governor of the State from a list of five selected by the State Library Association of Montana. The members of said Board shall receive no compensation for their services, except their actual and necessary traveling expenses. State Library Extension Commission.

HeinOnline -- 1929 391 1929

Rules and regulations.

Said Board may, in writing, adopt rules and regulations not inconsistent with law for its own government, providing library service through traveling libraries, and such other activities as it may deem necessary for carrying out the purposes of this Act.

Duties.

Said Commission shall also secure the establishment of libraries wherever practical, visit libraries for the purposes of giving advice and instruction, and endeavor to establish a closer relation between libraries and other educational agencies, and may co-operate with the state educational institutions, the state historical library and all institutional libraries in any manner deemed expedient. The State Library Extension Commission is the State Board of Library Examiners, and shall perform all the duties of the said Board as provided in Section 4565 Revised Codes of Montana, 1921. The State Library Extension Commission shall meet on the first Monday of October of each year and as much oftener as it may deem expedient.

Report to Governor.

The State Library Extension Commission shall make a biennial report to the Governor of the state on or before the first day of January, which report may be published by the board.

Secretary and assistants.

Section 2. The State Library Extension Commission may elect one of its own members to carry out the purposes of the Board, in the event of a lack of funds to employ a regular secretary. It may employ such assistants as shall be requisite to the performance of the work of the Board.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 22, 1929.

HeinOnline -- 1929 392 1929

CHAPTER 185.

An Act to Amend Section 7210 of the Revised Codes of Montana, 1921, as Amended by Section 7 of Chapter 157, Laws of the Eighteenth Legislative Assembly, State of Montana, 1923, and to Amend Section 7211 of the Revised Codes of Montana, 1921, as Amended by Section 1 of Chapter 161, Laws of the Eighteenth Legislative Assembly, State of Montana, 1923, and Repealing Section 7216 of the Revised Codes of Montana, 1921, as Amended by Section 2 of Chapter 161, Laws of the Eighteenth Legislative Assembly, Section 7217, Section 7218 as Amended by Section 3, Chapter 161, Laws of the Eighteenth Legislative Assembly, Section 7219, Section 7220, as Amended by Section 11, Chapter 157, Laws of the Eighteenth Legislative Assembly, Sections 7221, 7222, 7223, Section 7224, as Amended by Section 12 of Chapter 157, Laws of the Eighteenth Legislative Assembly, and Section 7225 of the Revised Codes of Montana, 1921, Relating to Petition for Bonds of Irrigation Districts, Action Thereon, and Confirmation of Bond Proceedings of Irrigation Districts, and to the Creation of the Irrigation District Bond Commission, Prescribing its Powers and Duties, Examination of Irrigation Districts and Irrigation District Bonds by Said Commission, Certification of Said Bonds by Secretary of State, and Making Said Bonds a Legal Investment for Trust Funds, Etc.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7210 of the Revised Codes of Montana, 1921, as amended by Section 7, Chapter 157, Laws of the Eighteenth Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Section 7210. **Petition for Bonds and Action Thereon.** For the purpose of providing the necessary funds for constructing the necessary irrigation canals and works, including drainage works, and works for the generation and distribution of electrical energy within said district, and acquiring the necessary property and rights therefor, and for the purpose of acquiring by purchase, or otherwise, waters, water rights, canals, reservoirs, reservoir sites, and irrigation works, drainage works, and works

Purpose for bonds.

HeinOnline -- 1929 393 1929

for the generation and distribution of electrical energy constructed, or partially constructed, and for the purpose of meeting the expense theretofore incurred or to be thereafter incurred incident to such construction or inquisition of such works and property, including administrative, engineering and legal expenses, and for the assumption, as principal or guarantor, of indebtedness to the United States on account of district lands, and for the purpose of otherwise carrying out the provisions of this Act, and of providing a sum sufficient to pay the interest on all of such bonds for five (5) years, or less, the Board of Commissioners of any district, heretofore or hereafter organized under the provisions of this Act, may authorize and issue the negotiable coupon bonds of the district, as and in the manner hereinafter provided. A sum sufficient to redeem or pay all, or any portion, of the existing indebtedness of such district, evidenced by outstanding bonds, delinquent interest coupons and accrued interest, or warrants, together with all delinquent and accrued interest, whether such indebtedness be due or not due, or which has or may hereafter become payable at the option of the district, or by consent of the bondholders, or by any lawful means, may be included as a portion of the necessary funds for which said bonds are authorized and issued.

Petitions, requirements.

No bonds provided for in this Section shall be authorized or issued by or on behalf of any irrigation district organized hereunder, and no contract shall be made with the United States as in Section 7174, provided, except upon a petition signed by at least sixty per centum (60%) in number and acreage of the holders of title or evidence of title to lands included within said district, or by seventy-five per centum (75%) in number and acreage of the holders of title or evidence of title to such lands who are residents of the County or Counties in which lands of the district are situated. Such petition shall be addressed to the Board of Commissioners; shall set forth the aggregate amount of bonds to be issued, and the purpose or purposes thereof; shall have attached thereto an affidavit verifying the signatures to said petition; and shall be filed with the Secretary of the Board of Commissioners. When bonds, however, are issued for the sole purpose of redeeming or paying the existing and outstanding bonds or warrants, or both, including delinquent and accrued interest, of such district, such bonds may be

HeinOnline -- 1929 394 1929

authorized and issued in the manner provided for by Section 7226 of this Code.

Amortization of insurance.

Upon the filing of such petition, the Board of Commissioners shall, by appropriate order or resolution, authorize and direct the issuance of the bonds of the district to the amount and for the purpose or purposes specified in the petition, fix the numbers, denominations, and maturity or maturities of said bonds; specify the rate of interest thereon; and whether payable annually or semi-annually; designate the place of payment of said bonds and the interest coupons, within or without the State of Montana; prescribe the form of said bonds and interest coupons to be attached thereto; and provide for the levy of a special tax, or assessment as in this Act provided on all the lands in the district for the irrigation and benefit of which said district was organized and said bonds are issued, or said contract is to be made, sufficient in amount to pay the interest on and principal of said bonds when due and all amounts to be paid to the United States under any contract between the district and the United States, accompanying which bonds of the district have not been deposited with the United States as in Section 7174 provided. If contract is to be made with the United States as in Section 7174 provided, and bonds are not to be deposited with the United States in connection with such contract, the Board of Commissioners need not authorize the issuance of bonds, or if bonds are required in addition to such contract, may authorize bonds only for the amount needed in addition to such contract. Such order or resolution shall also provide for the confirmation proceedings in the District Court hereinafter mentioned.

Section 2. That Section 7211 of the Revised Codes of Montana, 1921, as amended by Section 1, Chapter 161, Laws of the Eighteenth Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Confirmation by District Court.

Section 7211. **Confirmation by District Court.** Within ten (10) days after the adoption of the order of resolution mentioned in the preceding Section, the Board of Commissioners shall file a petition in the District Court of the Judicial District wherein is located the office of said Board, to determine the validity of the proceedings had relative to the issuance of said bonds and to the levy of said special tax or assessment.

Petition.

HeinOnline -- 1929 395 1929

Such action shall be in the nature of a proceeding in rem, and jurisdiction of all parties interested shall be had by notice given as hereinafter provided. Such petition shall set forth (1) generally, the establishment and organization of the district; (2) a certified copy of the petition mentioned in the preceding Section; (3) a certified copy of the order or resolution mentioned in the preceding Section; (4) a prayer for the confirmation of the proceedings of the Board stated in the petition, and for the confirmation of the bond issue and the special tax or assessment levied to pay the bonds and interest thereon. Upon the filing of said petition in the District Court, the Court or Judge thereof shall fix the time for the hearing of said petition, which shall not be less than fifteen (15) days from the date of filing the petition in said Court, and shall order the Clerk of the Court to give notice of the filing of said petition and the date of the hearing thereon, by publication at least once a week for two calendar weeks in a newspaper published or of general circulation in the County where the office of the Board of Commissioners of the district is situated, and also by posting a written or printed copy of such notice in at least three public places in each division of the district, the first of such publications and such posting to be not less than fifteen (15) days prior to the date fixed for said hearing.

Contents of petition.

Said notice shall state the substance of the petition and the time and place fixed for the hearing thereon, and that any person interested in or whose rights may be affected by the issuance or sale of said bonds, or the levy of said special tax or assessment, or the proceedings had or to be had by the said Board of Commissioners with respect to said matters, may, on or before the day fixed for the hearing of said petition, demur to or answer said petition, and may appear at said hearing and contest the granting of the prayer of said petition, and the entry of any order of confirmation pursuant thereto.

Notice.

Any person interested in or whose rights may be affected by the issuance or sale of said bonds, or the levy of said special tax or assessment, or the proceedings had or to be had by the Board of Commissioners of the District in connection with said matters, and the entry of any order of confirmation pursuant thereto, may enter his appearance in such proceedings and demur to or

Appearance of those interested.

HeinOnline -- 1929 396 1929

answer said petition and contest the granting of the prayer of said petition.

Procedure.

The provisions of the Code of Civil Procedure respecting the demurrer or answer to a verified complaint shall be applicable to a demurrer or answer to said petition. The persons so demurring to or answering said petition shall be the defendants in the proceeding, and the Board of Commissioners shall be the plaintiff. Every material statement of the petition, not specifically controverted by the answer, shall be taken as true, and every holder of title or evidence of title to lands included in the district failing to answer or demur to the petition shall be deemed to admit as true all the material statements hereof. The procedure in such action shall be determined by the Code of Civil Procedure.

Finding of Court.

Upon the hearing the District Court shall find and determine whether the provisions and requirements of the preceding Section have been complied with, and notice of the filing of the petition in the District Court and of the time and place of the hearing thereon has been duly given for the time and in the manner herein prescribed, and shall have power and jurisdiction to examine and determine the regularity, legality, and validity of the proceedings had preliminary and relative to the issuance of the bonds, and the levy of the special tax or assessment in the petition mentioned, and the legality and validity of said bonds and special tax or assessment, and any and all actions taken by the Board of Commissioners in connection with said matters, and shall hear all objections filed to said proceedings, or any part thereof, or to the issuance of said bonds, or the levy of the said special tax or assessment or any portion thereof. The Court, in inquiring into the regularity, legality, and validity of said proceedings, shall disregard any error, omission, or other irregularity which does not affect the substantial rights of the parties to said proceedings. The Court may ratify, approve, and confirm said proceedings in whole or in part, and may ratify, approve, and confirm said bonds and special tax or assessment, and enter its judgment or decree accordingly. From any such judgment or decree an appeal may be taken to the Supreme Court at any time within ten (10) days from the entry of such judgment or decree. Such appeal shall be taken, perfected, and heard in the manner prescribed by the Code of Civil Procedure covering appeals from District Courts

Appeal.

HeinOnline -- 1929 397 1929

to the Supreme Court. If no such appeal be taken within the time aforesaid, or if taken and the judgment or decree of the District Court be affirmed by the Supreme Court, such judgment or decree shall be forever conclusive upon all the world as to the validity of such bonds and said special tax or assessment, and the same shall never be called into question in any Court in the State. The costs of said proceedings shall be allowed or apportioned between the parties in the discretion of the Court.

Section 3. Section 7216 of the Revised Codes of Montana, 1921, as amended by Section 2 of Chapter 161, Laws of the Eighteenth Legislative Assembly; Section 7217, Section 7218, as amended by Section 3 of Chapter 161, Laws of the Eighteenth Legislative Assembly; Section 7219, Section 7220, as amended by Section 11 of Chapter 157, Laws of the Eighteenth Legislative Assembly; Sections 7221, 7222, 7223, Section 7224, as amended by Section 12 of Chapter 157, Laws of the Eighteenth Legislative Assembly; and Section 7225 of the Revised Codes of Montana, 1921, are hereby repealed.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 22, 1929.

HeinOnline -- 1929 398 1929

APPROPRIATIONS, MEMORIALS AND RESOLUTIONS

ENACTED BY THE

Twenty-first Legislative Assembly

STATE OF MONTANA

1929

HeinOnline -- 1929 399 1929

HeinOnline -- 1929 400 1929

APPROPRIATIONS, MEMORIALS AND RESOLUTIONS

HOUSE BILL NO. 1.

An Act to Appropriate Money for the Payment of Mileage and Per Diem to the Members of the Twenty First Legislative Assembly of the State of Montana and Per Diem to the Officers and Attaches of the Twenty First Legislative Assembly of the State of Montana and for Incidental Expenses of the Twenty First Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed, but for no other:

For the payment of mileage and per diem to the members of the Twenty First Legislative Assembly of the State of Montana, One Hundred Five Thousand Dollars $105,000.00

For the payment of per diem to the officers and attaches of the Twenty First Legislative Assembly of the State of Montana, Fifty Thousand Dollars ..... $ 50,000.00

For the payment of incidental expenses of the Twenty First Legislative Assembly of the State of Montana, Thirty Thousand Dollars ..... $ 30,000.00

Section 2. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved January 11, 1929.

HeinOnline -- 1929 401 1929

SUBSTITUTE HOUSE BILL NO. 24.

An Act Appropriating Money for the Payment of Claim of Andy Briscoe as Compensation or as a Pension and for an Artificial Limb and Expenses Incident to Fitting Artificial Limb, Due to Injuries Received While On Duty in the Service of the State of Montana as a Private in the Service Company, 163rd, Infantry, Montana National Guard.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Thousand Eight Hundred and Ten Dollars ($1810.00), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of paying the claim of Andy Briscoe for compensation or as a pension and for an artificial limb and expenses incident to fitting artificial limb, due for injuries received while on duty in the service of the State of Montana as a private in the Service Company, 163rd Infantry, Montana National Guard, at Helena, Montana, on the tenth day of June, 1925, the said compensation or pension and artificial limb and expenses incident to fitting artificial limb being provided for by Section 1376 of the Revised Codes of Montana, 1921.

Section 2. That the State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer, payable to the said Andy Briscoe in the sum of Two Hundred and Fifty Dollars ($250.00), as a lump sum payment for the artificial limb, and the said State Auditor is further authorized and directed to draw warrants on the State Treasurer payable to the said Andy Briscoe, on the first day of each and every month subsequent to March 1, 1929, to and including the month of February, 1931, said monthly warrants to be in the sum of Sixty Five Dollars ($65.00).

Section 3. The money herein appropriated by the provision of this Act shall not be paid to the said Andy Briscoe until the said Andy Briscoe shall have first filed with the State Board of Examiners a release of that part of his said claim which shall have accrued from the date of the said accident until the first day of March, 1929.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 18, 1929.

HeinOnline -- 1929 402 1929

HOUSE BILL NO. 72.

An Act Appropriating Money for the Payment to Custer County Free High School of Custer County, Montana, for Expenses Incurred for the School Year of 1927-1928 and Now Being Incurred for the Current Year in Furnishing High School Training and Education to State Charges and Inmates of the Montana State Industrial School.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Thousand Four Hundred Fifty Dollars ($1450.00), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the purpose of paying and reimbursing Custer County Free High School of Custer County, Montana, on account of expenses incurred during the school year of 1927-1928 in furnishing high school training and education to state charges and inmates of the Montana State Industrial School at Miles City, Montana.

Section 2. That the sum of One Thousand One Hundred Sixty Dollars ($1160.00), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the purpose of paying Custer County Free High School of Custer County, Montana, on account of expenses incurred and to be incurred for the school year of 1928-1929 in furnishing high school training and education to state charges and inmates of the Montana State Industrial School at Miles City, Montana.

Section 3. Appropriation herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1929.

HOUSE BILL NO. 80.

An Act to Appropriate Money For Payment of Mileage and Per Diem to the Presidential Electors.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any

HeinOnline -- 1929 403 1929

money in the State Treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed, but for no other:

For the payment of mileage and per diem for the four Presidential Electors, Three Hundred Thirty-Eight Dollars ..... $ 338.00

The same being more particularly itemized as follows:

Dan Whetstone, Eighty and 20/100 Dollars ....$ 80.20
Mrs. W. J. Jamieson, Jr., Fifty-Seven and 80/100 Dollars 57.80
J. D. Scanlan, Ninety-Seven and 20/100 Dollars 97.20
George McCone, One Hundred Two and 80/100 Dollars 102.80

Section 2. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1929.

HOUSE BILL NO. 88.

An Act to Appropriate Funds for the Payment of Claims Due to the Industrial Accident Board of the State of Montana, as Assessments Against the Montana State College for the Fiscal Year Ending June 30, 1927.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Seven Hundred Thirty-Nine and 64/100 Dollars ($739.64), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the following claim for assessments due to the Industrial Accident Board of the State of Montana by Montana State College at Bozeman, Montana, for the fiscal year ending June 30, 1927, and for which no appropriation now exists;

Montana State College, Seven Hundred Thirty-nine and 64/100 Dollars ..... $ 739.64

Section 2. Appropriation herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

HeinOnline -- 1929 404 1929

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1929.

HOUSE BILL NO. 89.

An Act to Appropriate Money for the Refund of Excessive Collection of the Inheritance Taxes By the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much therof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the objects and purposes herein after expressed:

For the refund of excess collections of inheritance taxes by the State of Montana, One Thousand Five Hundred Ninety and 23/100 Dollars		$ 1,590.23
The same being more particularly itemized as follows:		
Cyrus H. Whitney, Eighteen and 97/100 Dollars	$ 18.97	
Mary R. Letcher, Four and 35/100 Dollars	4.35	
Eva M. Hoffman, One Thousand Five Hundred Fifty and 35/100 Dollars	1,550.35	
Arthur K. Simpson, Eight and 29/100 Dollars	8.29	
Michael L. Sullivan, Eight and 27/100 Dollars	8.27	

Section 2. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1929.

HOUSE BILL NO. 95.

An Act to Appropriate Money For the Payment of Certain Claims Arising from the Operation of Certain State Departments, Since July 1, 1925.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much therof as may be necessary, be, and are hereby appropriated out of any money in

HeinOnline -- 1929 405 1929

the State Treasury not otherwise appropriated for the objects and purposes hereinafter expressed.

(1) For the claims for advertising in connection with the Consolidated Boards: Three Hundred Twenty and 94/100 Dollars ..... $ 320.94

The same being more particularly itemized as follows:

The Alzada Fairplay	$7.50
The American Printing Company	$6.00
The Billings Times	$7.50
The Billings Times	$7.50
The Big Timber Pioneer	$7.50
The Boulder Monitor	$7.50
Butte Miner	$5.17
Butte Miner	$5.17
The Circle Banner	$7.50
The Columbus News	$7.50
Daniels County Leader	$7.50
The Dawson County Review	$7.50
The Dawson County Review	$7.50
The Dawson County Review	$7.50
Democrat News, Incorporated	$7.50
Democrat News, Incorporated	$7.50
Flathead Monitor, Incorporated	$7.50
The Gazette Printing Company	$7.48
The Gazette Printing Company	$7.50
The Gazette Printing Company	$7.50
The Hammond Printing Company	$7.50
The Hardin Tribune Herald	$7.50
Independent Printing Company	$7.50
Judith Basin County Press	$7.50
The Leader Company	$7.50
The Leader Company	$7.50
The Leader Company	$7.50
The Lima Ledger	$7.50
The Madison County Forum	$7.50
The Missoulian Publishing Company	$6.72
Montana Record-Herald	$7.50
Montana Record-Herald	$7.50
Montana Record-Herald	$7.50
The New Northwest	$7.50
The Northwest Tribune Publishing Company	$7.50
Post Publishing Company	$7.50
Post Publishing Company	$7.50
Republican-Courier Company	$7.50

HeinOnline -- 1929 406 1929

The Rocky Mountain Husbandman	$7.50
The Sidney Herald	$7.50
The Sidney Herald	$7.50
Standard Publishing Company	$5.40
Sweet Grass Publishing Company	$7.50
The Troy Tribune	$7.50

Section 2. Appropriation herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1929.

HOUSE BILL NO. 96.

An Act Appropriating Money for the Payment of Certain Obligations Incurred on Behalf of the State Forest Department on Account of Fire Suppression During the Years 1919, 1920 and 1926, Under Cooperative Agreements with the United States Forest Service.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Seventeen Thousand Nine Hundred and 75/100 Dollars ($17,900.75), be, and the same is hereby appropriated out of any moneys now in the State Treasury, not otherwise appropriated for the payment of certain obligations incurred on behalf of the State Forest Department on account of forest fire suppression during the years 1919, 1920 and 1926, under cooperative agreements with the United States Forest Service.

Section 2. Appropriation herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1929.

HeinOnline -- 1929 407 1929

HOUSE BILL NO. 97.

An Act to Appropriate Funds for the Payment of Certain Deficiency Claims Arising From the Transportation of Prisoners to the Montana State Prison at Deer Lodge, Montana, and for the Transportation of Fugitives From Justice to Points Within the State of Montana, During the Years Prior to and Closing With June 30, 1927.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be, and the same are hereby appopriated out of any money in the State Treasury, not otherwise appropriated, for the purpose of paying the following deficiency claims for obligations incurred by the State of Montana, prior to the 30th day of June 1927, and for which no appropriation now exists:

For an obligation incurred to R. C. Timmons, Sheriff of Hill County, Montana, the obligation was assigned to said Hill County, Montana, for the transportation of Paul Smith, a prisoner, from Havre, Montana to the Montana State Prison at Deer Lodge, Montana, on or about June 23, 1927, Forty-One and 11/100 Dollars ($41.11).

For an obligation incurred to D. F. Mooney, Sheriff of Beaverhead County, Montana, for the transportation of Robert Holmes, a prisoner, from Dillon, Montana to the Montana State Prison at Deer Lodge, Montana, on or about February 8, 1926, Nineteen and 43/100 Dollars ($19.43).

For an obligation incurred to Angus B. McLeod, Sheriff of Silver Bow County, Montana, in returning one Eston Strowbridge from Spokane, Washington, to Silver Bow County, Montana, on or about the 17th day of June, 1927, as a fugitive from justice from the State of Montana, Fifty-Nine and 42/100 Dollars ($59.42).

For an obligation incurred to Angus B. McLeod, Sheriff of Silver Bow County, Montana, in returning one Tony Coli Sanfilippo from Ogden, Utah, to Silver Bow County, Montana, on or about the 22nd day of May, 1927, as a fugitive from justice from the State of Montana, Fifty-Eight and 92/100 Dollars ($58.92).

For an obligation incurred to the said Angus B. McLeod in returning one John Doe alias Nick Davis from Utah State Prison, to Silver Bow County, Montana, on or about the 30th day of March 1927, as a fugitive from justice from the State of Montana, Seventy and 82/100 Dollars ($70.82).

For an obligation incurred to Bob Gordon, Sheriff of Cascade County, Montana, in returning one Ted Wilder alias Roy Wilder from Electra, Texas, to Cascade County, Montana, on or about the

HeinOnline -- 1929 408 1929

24th day of March 1927, as a fugitive from justice from the State of Montana, Three Hundred Twenty and 74/100 Dollars ($320.74).

For an obligation incurred to O. H. Helland, Sheriff of Dawson County, Montana, in returning one Warren Johnson and Norman Woodard from San Francisco, California, to Dawson County, Montana, between April 27 and May 7, 1927, as fugitives from justice from the State of Montana, Three Hundred Fifty-One and 31/100 Dollars ($351.31).

For an obligation incurred to S. W. Matlock, Sheriff of Yellowstone County, Montana, in returning one Pearl Clark from Janesville, Wisconsin, to Yellowstone County, Montana, on or about the 5th day of March 1927, as a fugitive from justice from the State of Montana, One Hundred Seventy-Two and 07/100 Dollars ($172.07).

For an obligation incurred to S. W. Matlock, Sheriff of Yellowstone County, Montana, in returning one O. F. Wilson from Klamath Falls, Oregon, to Yellowstone County, Montana, on or about the 7th day of March 1927, as a fugitive from justice from the State of Montana, One Hundred Sixty-Three and 29/100 Dollars ($163.29).

For an obligation incurred to M. P. Mahoney, Sheriff of Deer Lodge County, Montana, assigned by him to Deer Lodge County, in returning one John Ambrose Walsh from Chicago, Illinois, to Deer Lodge County, Montana, on or about March 15, 1927, as a fugitive from justice from the State of Montana, Two Hundred Sixty-Two and 23/100 Dollars ($262.23).

Section 2. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1929.

HOUSE BILL NO. 98.

An Act to Appropriate Funds For the Payment of Certain Deficiency Claims Arising From the Operation of the Various State Departments, Commissions, and Institutions During Years Prior to and Closing With June 30, 1927.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be, and the same is hereby appropriated out of any

HeinOnline -- 1929 409 1929

money in the State Treasury, not otherwise appropriated, for the purpose of paying the following deficiency claims and obligations incurred in the operation of the various departments, commissions, and institutions of the State of Montana, prior to June 30, 1927, and for which no appropriation now exists, as follows:

For obligations incurred by the Capitol Custodian, Twelve Hundred Seventy and 53/100 Dollars ..... $ 1,270.53

More particularly itemized as follows:
Minnesota Chemical Company, Twenty-Four and 11/100 Dollars ..... $ 24.11
Industrial Accident Board, Eighty-Five and 22/100 Dollars ..... $ 85.22
Roundup Coal Mining Company, Nine Hundred Fifteen and 20/100 Dollars $915.20
Helena Light and Railway Company, Two Hundred Forty-Six and No/100 Dollars $246.00

For obligations incurred by the Normal College, Seventy-Nine and 82/100 Dollars ..... $ 79.82

More particularly itemized as follows:
Industrial Accident Board, Seventy-Nine and 82/100 Dollars ..... $ 79.82

For obligations incurred by the State College, Three Hundred Eighty-Four and 80/100 Dollars ..... $ 384.80

More particularly itemized as follows:
Montana Flour Mills, Three Hundred Eighty-Four and 80/100 Dollars $384.80

For obligations incurred by the Land Office, One and 50/100 Dollars ..... $ 1.50

More particularly itemized as follows:
Wm. R. Mix, One and 50/100 Dollars ..... $ 1.50

For obligations incurred by the Railroad Commission, No and 50/100 Dollars ..... $ .50

More particularly itemized as follows:
Wm. R. Mix, No and 50/100 Dollars ..... $ .50

For obligations incurred by the District Judges' Expense and Travel Expense, Three Hundred Eighty-Six and 40/100 Dollars ..... $ 386.40

More particularly itemized as follows:
John J. Greene, Three Hundred Forty-Two and 84/100 Dollars $342.84
S. E. Paul, Forty-One and 96/100 Dollars ..... $ 41.96
George B. Winston, One and 60/100 Dollars ..... $ 1.60

HeinOnline -- 1929 410 1929

For obligations incurred by the Industrial Accident Board, Two and No/100 Dollars .....$ 2.00

More particularly itemized as follows:

Sidney Herald, Two and No/100 Dollars .....$ 2.00

Section 2. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3 This Act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1929.

HOUSE BILL NO. 138.

An Act to Appropriate Money for the Refund of Excessive Collection of Taxes by the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed:

For the refund to the County of Garfield of excess collections of taxes by the State of Montana, One Hundred Fifty-Five and 99/100 Dollars ($155.99).

Section 2. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 1, 1929.

HOUSE BILL NO. 142.

An Act Appropriating Money for the Payment of the Claim of Catharine Crossland Smith as Compensation for Expenses Incurred by her Husband, the late Robert B. Smith, while in the Performance of his Duties as Governor of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. THAT WHEREAS, the late Robert B. Smith, while in the performance of his duties as Governor of the State of Montana, incurred certain expenses, in the sum of not less than Two Thousand

HeinOnline -- 1929 411 1929

Four Hundred ($2,400.00), paid from his personal funds and which have not heretofore been repaid by the State of Montana and which expenses constitute a valid claim against the State of Montana;

NOW, THEREFOR, there is hereby appropriated out of any moneys in the Treasury of the State of Montana, not otherwise appropriated, the sum of Two Thousand Four Hundred ($2,400.00) for the payment of the said claim to Catharine Crossland Smith, the widow of said Robert B. Smith, and the State Treasurer is hereby authorized and directed to draw his warrants on the general Fund, monthly on the first day of each and every month, beginning with the month of July, 1929, and ending with the month of June, 1931, payable to the said Catharine Crossland Smith, each of said warrants to be in the amount of One Hundred Dollars ($100.00). Provided that in the event of the death of Catharine Crossland Smith, said monthly payments shall cease immediately.

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 8, 1929.

HOUSE BILL NO. 260.

An Act Making Appropriation For and Directing Payment to the Heirs of Christian Moeller, Deceased, of Moneys Belonging to Such Heirs Escheated to the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of Four Thousand One Hundred Twenty Eight and 03/100 Dollars ($4,128.03), to be paid to the heirs at law of Christian Moeller as the same may be determined by virtue of the statutes of Montana, pertaining to descent.

Section 2. That the said Heirs be required to institute in the District Court of the Eleventh Judicial District of the State of Montana, in and for the County of Flathead, within sixty (60) days from the date hereof, such suitable action or proceeding as may be required by law for the establishment of their heirship, in the said Estate of Christian Moeller, deceased, and that, upon the conclusion of said action, a certified copy of the Decree of said Court fixing and establishing said heirship, shall be filed with the State Treasurer of the State of Montana, and, if no appeal be presented, or steps taken

HeinOnline -- 1929 412 1929

therefor; or, in such event, if such appeal be perfected, upon the final conclusion of said proceedings, the said State Treasurer shall, and he hereby is authorized and directed to make payment to such person or persons as by the said Decree shall be determined rightfully the heirs at law of said Christian Moeller, deceased, the owners of said moneys.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1929.

HOUSE BILL NO. 312.

An Act Providing Money for the Operation and Maintenance of the Livestock Commission of the State of Montana, and for the Operation and Maintenance of the Livestock Sanitary Board for the Years Beginning July 1, 1929 and Ending June 30, 1931.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much therof as may be necessary, be, and the same are hereby appropriated out of any money in the Treasury of the State of Montana not otherwise appropriated, for the operation and maintenance of the Livestock Commission, and the Livestock Sanitary Board, and for the objects and purposes hereinafter stated for the year beginning July 1, 1929, and ending June 30, 1930.

For the payment of salaries and expenses of the Livestock Commission, Twenty Five Thousand Dollars .....$ 25,000.00

For the payment of salaries and expenses of the Livestock Commission, to be paid from the Livestock Commission Fund, so much thereof as may be available.

For the payment of salary of one clerk to the Livestock Commission, to be paid from the Bounty Fund, Eighteen Hundred Dollars .....$ 1,800.00

For the payment of claims to be paid from the Bounty Fund, so much thereof as may be necessary.

For the payment of estray claims, to be paid from the Estray Fund, so much thereof as may be necessary.

HeinOnline -- 1929 413 1929

LIVESTOCK SANITARY BOARD.

(1) For the payment of salaries of the Livestock Sanitary Board, Thirty Seven Thousand Three Hundred Dollars ..... $ 37,300.00

The same being more particularly itemized as follows:

Salary of the Executive Officer Livestock Sanitary Board, Five Thousand Dollars ..... $ 5,000.00

Salary and Per Diem of Others, Thirty Two Thousand Three Hundred Dollars $32,300.00

(2) For Capital, Repairs and Replacements, One Thousand Dollars ..... $ 1,000.00

(3) For Other Operating Expenses, Twelve Thousand Seven Hundred Dollars ..... $ 12,700.00

(4) For the payment of slaughtered stock as provided in Chapter 234, Revised Codes of Montana, 1921, and for salaries and operation of the Livestock Sanitary Board, such sums as may be required, to be paid from the Livestock Sanitary Board Fund.

(5) For the payment of emergencies arising out of the operation of the Livestock Sanitary Board to be paid from the Livestock Sanitary Board Emergency Fund, when such emergency is declared to exist by the Livestock Sanitary Board, as much as may be required.

Section 2. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the treasury of the State of Montana not otherwise appropriated, for the operation and maintenance of the Livestock Commission of the State of Montana, and the Livestock Sanitary Board, and for the objects and purposes hereinafter stated for the year beginning July 1, 1930 and ending June 30, 1931.

For the payment of salaries and expenses of the Livestock Commission, Twenty Five Thousand Dollars ..... $ 25,000.00

For the payment of salaries and expenses of the Livestock Commission, to be paid from the Livestock Commission Fund, so much thereof as may be available.

For the payment of salary of one clerk to the Livestock Commission, to be paid from the Bounty Fund, Eighteen Hundred Dollars ..... $ 1,800.00

For the payment of claims to be paid from the Bounty Fund, so much thereof as may be necessary.

For the payment of estray claims, to be paid from the Estray Fund, so much thereof as may be necessary.

HeinOnline -- 1929 414 1929

LIVESTOCK SANITARY BOARD.

(1) For the payment of salaries of the Livestock Sanitary Board, Thirty Seven Thousand Three Hundred Dollars ..... $ 37,300.00

The same being more particularly itemized as follows:

Salary of the Executive Officer Livestock Sanitary Board, Five Thousand Dollars $5,000.00

Salary and Per Diem of Others, Thirty Two Thousand Three Hundred Dollars $32,300.00

(2) For Capital, Repairs and Replacements, One Thousand Dollars ..... $ 1,000.00

(3) For Other Operating Expenses, Twelve Thousand Seven Hundred Dollars ..... $ 12,700.00

(4) For the payment of slaughtered stock as provided in Chapter 234, Revised Codes of Montana, 1921, and for salaries and operation of the Livestock Sanitary Board, such sums as may be required, to be paid from the Livestock Sanitary Board Fund.

(5) For the payment of emergencies arising out of the operation of the Livestock Sanitary Board to be paid from the Livestock Sanitary Board Emergency Fund, when such emergency is declared to exist by the Livestock Sanitary Board, as much as may be required.

Section 3. The sums appropriated in Sections 1 and 2 of this Act are in addition to all income from the funds in connection with the department specified herein. Provided further, that all appropriations contained herein shall be used for the purposes designated and for no other purpose.

Section 4. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 13, 1929.

HOUSE BILL NO. 313.

An Act Appropriating Money for the Purpose of Constructing a General Utility Building at the Montana Soldiers' Home, and for Repairs and Replacements to Buildings at the Montana Soldiers' Home.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the following sums to be used for the following purposes, to-wit:

HeinOnline -- 1929 415 1929

For Repairs and Replacements to buildings at the Montana Soldiers' Home, the sum of Three Thousand Eight Hundred Dollars ..... $ 3,800.00

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1929.

HOUSE BILL NO. 314.

An Act Appropriating Money for the Purpose of Constructing, Furnishing and Equipping a House for the Criminal Insane and An Addition to the Heating Plant at the Montana State Hospital for the Insane.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the following sums to be used for the following purposes to-wit:

To construct a building for the purpose of housing the criminal insane at the Montana State Hospital for the Insane, the sum of Seventy-Five Thousand Three Hundred Sixty Dollars ..... $ 75,360.00

To construct an addition to the heating plant at such Hospital and to install therein a new boiler and stoker the sum of Seven Thousand One Hundred Ninety-Eight Dollars ..... $ 7,198.00

To furnish and equip said house for the Criminal Insane, Eight Thousand Dollars ..... $ 8,000.00

Section 2. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 18, 1929.

HeinOnline -- 1929 416 1929

HOUSE BILL NO. 316.

An Act Appropriating Money for the Operation and Maintenance of Certain of the Boards, Commissions and Departments of the State of Montana for the Period Beginning July 1, 1929, and Ending June 30, 1931.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the Treasury of the State of Montana, not otherwise appropriated for the operation and maintenance of certain offices, boards and commissions and for the objects and purposes hereinafter stated for the year beginning July 1, 1929, and ending June 30, 1930.

ORTHOPEDIC COMMISSION. For the payment of salaries and per diem, supplies and general administrative expenses in the operation of the Orthopedic Commission, Thirteen Thousand Two Hundred Dollars ..... $ 13,200.00

VETERANS WELFARE COMMISSION. For the operation and maintenance of the Veterans Welfare Commission, Ten Thousand Dollars ..... $ 10,000.00

BOARD OF ENTOMOLOGY. For the operation and maintenance of the Board of Entomology as follows:

(1) For Salaries, Nine Thousand One Hundred Seventy-Five Dollars ..... $ 9,175.00

(2) For Capital, Repairs and Replacements, Seven Hundred Fifty Dollars ..... $ 750.00

(3) For Other Operating Expenses, Five Thousand Five Hundred Thirty-Five Dollars ..... $ 5,535.00

(4) For Wood Tick Parasite Work, Ten Thousand One Hundred Sixty Dollars ..... $ 10,160.00

INDUSTRIAL ACCIDENT BOARD. For payment out of the General Fund for Salaries and Expenses of the Industrial Accident Board, Thirty-Six Thousand One Hundred Fifty Dollars ..... $ 36,150.00

BOARD OF HEALTH. For the operation and maintenance of the Department of Board of Health as follows:

(1) For Salaries, Twenty-Five Thousand Five Hundred Dollars ..... $ 25,500.00

The same being more particularly itemized as follows:

Salary of Secretary, Five Thousand Dollars ..$ 5,000.00

HeinOnline -- 1929 417 1929

Salary of Bacteriologist, Four Thousand Two Hundred Dollars ..... $ 4,200.00
Salary of Director of Laboratory, Three Thousand Six Hundred Dollars ..... $ 3,600.00
Salary of Others, Twelve Thousand Seven Hundred Dollars $12,700.00
(2) For Capital, Repairs and Replacements, Two Thousand Dollars ..... $ 2,000.00
(3) For Other Operating Expenses, Five Thousand Three Hundred Dollars ..... $ 5,300.00

In addition to the amounts above specified there is hereby appropriated out of the General Fund for the use of said Board of Health an amount equal to the fees and earnings of said Department.

CHILD WELFARE WORK. For the payment of expenses in connection with Child Welfare Work for children and mothers, Fifteen Thousand Dollars ..... $ 15,000.00

The State Board of Health will grant the Child Welfare, out of the Revolving Fund, Three Thousand Eight Hundred Dollars ..... $ 3,800.00

STATE ENTOMOLOGY. For the payment of supplies and expenses in the operation and maintenance of the office of the State Entomologist as follows:

(1) For Salaries, One Thousand Two Hundred Dollars $1,200.00
(2) For Capital, Repairs and Replacements, Three Hundred Fifty Dollars ..... $ 350.00
(3) For Other Operating Expenses, One Thousand One Hundred Sixty Dollars $1,160.00

Section 2. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the Treasury of the State of Montana, not otherwise appropriated for the operation and maintenance of certain offices, boards and commissions and for the objects and purposes hereinafter stated for the year beginning July 1, 1930, and ending June 30, 1931.

ORTHOPEDIC COMMISSION. For the payment of salaries and per diem, supplies and general administrative expenses in the operation of the Orthopedic Commission, Thirteen Thousand Two Hundred Dollars ..... $ 13,200.00

VETERANS WELFARE COMMISSION. For the operation and maintenance of the Veterans Welfare Commission, Ten Thousand Dollars ..... $ 10,000.00

HeinOnline -- 1929 418 1929

BOARD OF ENTOMOLOGY. For the operation and maintenance of the Board of Entomology as follows:

(1) For Salaries, Nine Thousand One Hundred Seventy-Five Dollars ..... $ 9,175.00

(2) For Capital, Repairs and Replacements Seven Hundred Fifty Dollars ..... $ 750.00

(3) For Other Operating Expenses, Five Thousand Five Hundred Thirty-Five Dollars ..... $ 5,535.00

(4) For Wood Tick Parasite Work, Ten Thousand One Hundred Sixty Dollars $10,160.00

INDUSTRIAL ACCIDENT BOARD. For payment out of the General Fund for Salaries and Expenses of the Industrial Accident Board, Thirty-Three Thousand Nine Hundred Dollars ..... $ 33,900.00

BOARD OF HEALTH. For the operation and maintenance of the Department of Board of Health as follows:

(1) For Salaries, Twenty-Five Thousand Five Hundred Dollars ..... $ 25,500.00

The same being more particularly itemized as follows:

Salary of Secretary, Five Thousand Dollars .. $ 5,000.00

Salary of Bacteriologist, Four Thousand Two Hundred Dollars ..... $ 4,200.00

Salary of Director of Laboratory, Three Thousand Six Hundred Dollars ..... $ 3,600.00

Salary of Others, Twelve Thousand Seven Hundred Dollars $12,700.00

(2) For Capital, Repairs and Replacements, Two Thousand Dollars ..... $ 2,000.00

(3) For Other Operating Expenses, Five Thousand Three Hundred Dollars ..... $ 5,300.00

In addition to the amounts above specified there is hereby appropriated out of the General Fund for the use of said Board of Health an amount equal to the fees and earnings of said Department.

CHILD WELFARE WORK. For the payment of expenses in connection with Child Welfare Work for children and mothers; Fifteen Thousand Dollars ..... $ 15,000.00

State Board of Health will grant the Child Welfare, out of the Revolving Fund, Three Thousand Eight Hundred Dollars ..... $ 3,800.00

HeinOnline -- 1929 419 1929

STATE ENTOMOLOGY. For the payment of supplies and Expenses in the operation and maintenance of the office of the State Entomologist as follows:

(1) For Salaries, One Thousand Two Hundred Dollars ..... $ 1,200.00

(2) For Capital, Repairs and Replacements, Three Hundred Fifty Dollars ..... $ 350.00

(3) For Other Operating Expenses, One Thousand One Hundred Sixty Dollars ..... $ 1,160.00

Section 3. The sums appropriated in Sections 1 and 2 of this Act are in addition to all income from funds in connection with the Departments specified herein. That said funds, respectively be and they are hereby appropriated for the fiscal years ending June 30, 1930, and June 30, 1931, for the use of the departments, boards and commissions designated in Sections 1 and 2 of this Act to which departments such funds respectively appertain. The Board of Examiners of the State of Montana is hereby authorized and empowered to transfer amounts, or parts of amounts, herein appropriated in any one item to supplement the amounts appropriated for other items in the same Departments, provided the aggregate amount of appropriation is neither increased nor decreased.

Section 4. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 18, 1929.

HOUSE BILL NO. 317.

A Supplementary Appropriation Bill Appropriating Money for the State Board of Hail Insurance, the Administration of the Motor Vehicle License and Registration Laws, the Fish and Game Commission and Fire Marshal.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That for the period beginning July 1, 1929, and ending June 30, 1930, there is hereby appropriated to the use of the State Board of Hail Insurance the sum of Sixteen Thousand Dollars ($16,000.00) from the Hail Insurance Administrative Fund for the payment of salaries, expenses of said Board and all other claims properly chargeable against said fund. There is also appropriated to the use of the State Board of Hail Insurance all moneys accruing

HeinOnline -- 1929 420 1929

to the State Hail Insurance Fund to the extent necessary to meet claims lawfully payable from said fund.

Section 2. That for the period beginning July 1, 1929, and ending June 30, 1930, there is hereby appropriated for the use of the Registrar of Motor Vehicles all moneys accruing to the Motor Vehicle Fund and to the Auto Theft Fund to the extent necessary to meet claims lawfully payable from said funds.

Section 3. That for the period beginning July 1, 1929, and ending June 30, 1930, there is hereby appropriated for the use of the Fish and Game Commission all moneys accruing to the credit of the Fish and Game Fund and the Biological Fund, to the extent necessary to meet claims lawfully payable from said funds.

Section 4. That for the period beginning July 1, 1929, and ending June 30, 1930, there is hereby appropriated for the use of the Fire Marshal Department all moneys accruing to the credit of the Fire Marshal Fund, to the extent necessary to meet claims lawfully payable from said fund.

Section 5. That for the period beginning July 1, 1930, and ending June 30, 1931, there is hereby appropriated to the use of the State Board of Hail Insurance the sum of Sixteen Thousand Dollars ($16,000.00) from the Hail Insurance Administrative Fund for the payment of salaries, expenses of said Board and all other claims properly chargeable against said fund. There is also appropriated to the use of the State Board of Hail Insurance all moneys accruing to the State Hail Insurance Fund to the extent necessary to meet claims lawfully payable from said fund.

Section 6. That for the period beginning July 1, 1930, and ending June 30, 1931, there is hereby appropriated to the use of the Registrar of Motor Vehicles all moneys accruing to the Motor Vehicle Fund and to the Auto Theft Fund to the extent necessary to meet claims lawfully payable from said funds.

Section 7. That for the period beginning July 1, 1930, and ending June 30, 1931, there is hereby appropriated for the use of the Fish and Game Commission all moneys accruing to the credit of the Fish and Game Fund and the Biological Fund, to the extent necessary to meet claims lawfully payable from said funds.

Section 8. That for the period beginning July 1, 1930, and ending June 30, 1931, there is hereby appropriated for the use of the Fire Marshal Department all moneys accruing to the credit of the Fire Marshal Fund, to the extent necessary to meet claims lawfully payable from said fund.

Approved March 11, 1929.

HeinOnline -- 1929 421 1929

HOUSE BILL NO. 318.

An Act to Appropriate Money for the Operation and Maintenance of the Agricultural Experiment Station and the Sub-Stations and for Farmers' Extension Work for the Period Beginning July 1, 1929, and Ending June 30, 1931.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter expressed, for the year beginning July 1, 1929, and ending June 30, 1930.

For the payment of salaries and other expenses of the Agricultural Experiment Station at the Home Station, Bozeman, Sixty-Eight Thousand Dollars ..... $ 68,000.00

For the payment of salaries and other expenses of the Grain Laboratory, Eight Thousand One Hundred Dollars .. $ 8,100.00

For expense of special soil survey and publication of soil maps by the Agricultural Experiment Station, Three Thousand One Hundred Fifty Dollars ..... $ 3,150.00

For the payment of salaries and other expenses of the Horticultural Branch Station, Four Thousand Five Hundred Dollars ..... $ 4,500.00

For the payment of salaries and other expenses of the Huntley Branch Station, Two Thousand One Hundred Fifty Dollars ..... $ 2,150.00

For the payment of salaries and other expenses of the Judith Basin Branch Station, Ten Thousand Dollars..... $ 10,000.00

For the payment of salaries and other expenses of the Northern Montana Branch Station, Fourteen Thousand Four Hundred Dollars ..... $ 14,400.00

For the payment of salaries and other expenses of the Fort Keogh Livestock Branch Station, One Thousand Dollars ..... $ 1,000.00

For Farmers' Extension Work, in co-operation with the Federal Government under the Smith-Lever Act and other Acts of Congress relating to such work, Seventy-Seven Thousand Seven Hundred Dollars ..... $ 77,700.00

For salaries and expenses in connection with a summer school at the Northern Montana Agricultural and Manual Training School, Four Thousand Dollars ..... $ 4,000.00

HeinOnline -- 1929 422 1929

Section 2. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter expressed, for the year beginning July 1, 1930, and ending June 30, 1931.

For the payment of salaries and other expenses of the Agricultural Experiment Station at the Home Station, Bozeman, Sixty-Eight Thousand Dollars ..... $ 68,000.00

For the payment of salaries and other expenses of the Grain Laboratory, Eight Thousand One Hundred Dollars $ 8,100.00

For expense of special soil survey and publication of soil maps by the Agricultural Experiment Station, Three Thousand One Hundred Fifty Dollars ..... $ 3,150.00

For the payment of salaries and other expenses of the Horticultural Branch Station, Four Thousand Five Hundred Dollars ..... $ 4,500.00

For the payment of salaries and other expenses of the Huntley Branch Station, Two Thousand One Hundred Fifty Dollars ..... $ 2,150.00

For the payment of salaries and other expenses of the Judith Basin Branch Station, Ten Thousand Dollars..... $ 10,000.00

For the payment of salaries and other expenses of the Northern Montana Branch Station, Fourteen Thousand Four Hundred Dollars ..... $ 14,400.00

For the payment of salaries and other expenses of the Fort Keogh Livestock Branch Station, One Thousand Dollars ..... $ 1,000.00

For Farmer's Extension Work in co-operation with the Federal Government under the Smith-Lever Act and other Acts of Congress relating to such work, Seventy-Seven Thousand Seven Hundred Dollars..... $ 77,700.00

For salaries and expenses in connection with a summer school at the Northern Montana Agricultural and Manual Training School, Four Thousand Dollars..... $ 4,000.00

Section 3. The sums appropriated in Sections 1 and 2 of this Act are in addition to all income of said institutions from all permanent funds and endowments, and from all land grants; from all fees and earnings of said institutions, from whatever source they may be derived; and from all contributions derived from public or private bounty.

HeinOnline -- 1929 423 1929

Section 4. Appropriation herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 18, 1929.

HOUSE BILL NO. 319.

An Act Appropriating Money for the Operation and Maintenance of Certain of the State Departments of the State of Montana for the Period Beginning July 1, 1929, and Ending June 30, 1931.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed for the year beginning July 1, 1929, and ending June 30, 1930.

THE SUPREME COURT.

(1) For the purposes of paying salaries of the Supreme Court, Forty-Nine Thousand Seven Hundred Eighty Dollars....$ 49,780.00
The same being more particularly itemized as follows:
Salary of Justices, Thirty Thousand Dollars.....$ 30,000.00
Salary of Clerk, Three Thousand Dollars.....$ 3,000.00
Salary of Reporter, Four Thousand Dollars.....$ 4,000.00
Salary of Marshal, One Thousand Eight Hundred Dollars .....$ 1,800.00

Salary of Others, Three Thousand Four Hundred Eighty Dollars .....$ 3,480.00

Reporting Montana Decisions, Seven Thousand Five Hundred Dollars .....$ 7,500.00

(2) For Capital, Repairs and Replacements, Two Hundred Fifty Dollars .....$ 250.00

(3) For other Operating Expenses, Four Thousand Six Hundred Dollars .....$ 4,600.00

DISTRICT JUDGES

(1) For the purposes of paying salaries of District Judges, One Hundred Forty-Four Thousand Dollars.....$144,000.00

(2) For the purpose of paying the traveling expenses of the District Judges,
Ten Thousand Dollars .....$ 10,000.00

HeinOnline -- 1929 424 1929

COUNTY ATTORNEYS.

For the purpose of paying the salaries of County Attorneys, Fifty-Two Thousand Dollars ..... $ 52,000.00

TRANSPORTATION OF PRISONERS.

For the purpose of paying for the transportation of prisoners, Nine Thousand Dollars ..... $ 9,000.00

Section 2. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed for the year beginning July 1, 1930, and ending June 30, 1931.

THE SUPREME COURT.

(1) For the purposes of paying salaries of the Supreme Court, Forty-Nine Thousand Seven Hundred Eighty Dollars $ 49,780.00

The same being more particularly itemized as follows:

Salary of Justices, Thirty Thousand Dollars ..... $ 30,000.00
Salary of Clerk, Three Thousand Dollars ..... $ 3,000.00
Salary of Reporter, Four Thousand Dollars ..... $ 4,000.00
Salary of Marshal, One Thousand Eight Hundred Dollars ..... $ 1,800.00
Salary of Others, Three Thousand Four Hundred Eighty Dollars ..... $ 3,480.00
Reporting Montana Decisions, Seven Thousand Five Hundred Dollars ..... $ 7,500.00

(2) For Capital, Repairs and Replacements, Two Hundred Fifty Dollars ..... $ 250.00

(3) For Other Operating Expenses, Four Thousand Six Hundred Dollars ..... $ 4,600.00

DISTRICT JUDGES.

(1) For the purposes of paying salaries of the District Judges, One Hundred Forty-Four Thousand Dollars $144,000.00

(2) For the purpose of paying the traveling expenses of the District Judges, Ten Thousand Dollars ..... $ 10,000.00

COUNTY ATTORNEYS.

For the purpose of paying the salaries of County Attorneys, Fifty-two Thousand Dollars ..... $ 52,000.00

TRANSPORTATION OF PRISONERS.

For the purpose of paying for the transportation of prisoners, Nine Thousand Dollars ..... $ 9,000.00

HeinOnline -- 1929 425 1929

Section 3. Provided further, that all appropriations contained herein shall be used for the purposes designated and for no other purpose.

Section 4. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 11, 1929.

HOUSE BILL NO. 320.

An Act Appropriating Money for the Operation and Maintenance of Certain of the Boards, Commissions and Departments of the State of Montana for the Period Beginning July 1, 1929, and Ending June 30, 1931.

Be it enacted by the Legislative Assembly of the State of Montana:

Setion 1. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the Treasury of the State of Montana, not otherwise appropriated for the operation and maintenance of certain offices, boards and commissions and for the objects and purposes hereinafter stated for the year beginning July 1, 1929, and ending June 30, 1930.

CAPITOL BUILDING.

For the operation and maintenance of the Capitol Building as follows:

(1) For Salaries, Thirty Thousand Six Hundred Dollars ..... $ 30,600.00

The same being more particularly itemized as follows:

Salary of Custodian, Two Thousand Dollars ..... $ 2,000.00

Salary of Postmaster and Clerk, Two Thousand Seven Hundred Dollars ..... $ 2,700.00

Salaries of Others, Twenty Five Thousand Nine Hundred Dollars ..... $ 25,900.00

(2) For Capital, Repairs and Replacements, Two Thousand One Hundred Forty Three Dollars ..... $ 2,143.00

(3) For other Operating Expenses, Twelve Thousand Dollars ..... $ 12,000.00

TEXT BOOK COMMISSION.

For the payment of expenses in the operation and maintenance of the Text Book Commission, Nine Hundred Dollars ..... $ 900.00

HeinOnline -- 1929 426 1929

BOARD OF EDUCATION.

For the payment of expenses of the State Board of Education, One Thousand Dollars ..... $ 1,000.00

To be paid from the Common School Equalization Fund, the following amounts:

Salary of Clerk of Equalization Board, One Thousand Eight Hundred Dollars ..... $ 1,800.00

VOCATIONAL EDUCATION.

For the payment of salaries, supplies and other operating expenses in connection with Vocational Education, Seventeen Thousand Dollars ..... $ 17,000.00

VOCATIONAL REHABILITATION.

For the operation and maintenance of the Vocational Rehabilitation Department as follows:

(1) For Salaries, and Expenses, Thirteen Thousand Five Hundred Dollars ..... $ 13,500.00

The same being more particularly itemized as follows:

Salaries of Employees, Four Thousand Two Hundred Fifty Dollars ..... $ 4,250.00

For Expenses and Payment of Training Expenses of the work of Vocational Rehabilitation, Nine Thousand Two Hundred Fifty Dollars ..... $ 9,250.00

G. A. R. CUSTODIAN.

For the payment of salary of the G. A. R. Custodian, One Thousand Eighty Dollars ..... $ 1,080.00

PURCHASING AGENT.

For the operation and maintenance of the Office of the Purchasing Agent as follows:

(1) For salaries, Twelve Thousand Seven Hundred Seventy Dollars ..... $ 12,770.00

The same being more particularly itemized as follows:

Salary of Purchasing Agent, Five Thousand Dollars.... $ 5,000.00

Salary of Assistant Purchasing Agent, Twenty Seven Hundred Dollars ..... $ 2,700.00

Salaries of Clerks and Stenographers, Three Thousand Two Hundred Seventy Dollars..... $ 3,270.00

Salary of Accountant, One Thousand Eight Hundred Dollars ..... $ 1,800.00

HeinOnline -- 1929 427 1929

Salary of Highway Man, Twenty One Hundred Dollars ..... $ 2,100.00

Salary of above Highway Man to be paid from Highway Fund.

(2) For Capital, Repairs and Replacements, Two Hundred Dollars ..... $ 200.00

(3) For other Operating Expenses, Two Thousand One Hundred Ninety-Five Dollars ..... $ 2,195.00

HISTORICAL SOCIETY OF MONTANA.

For the operation and maintenane of the Historical Society as follows:

(1) For Salaries, Four Thousand Two Hundred Dollars ..... $ 4,200.00

The same being more particularly itemized as follows:

Salary of Librarian, Twenty Four Hundred Dollars ..... $ 2,400.00

Salaries of Others, One Thousand Eight Hundred Dollars ..... $ 1,800.00

(2) For other Operating Expenses, Five Hundred Forty Dollars ..... $ 540.00

(3) For Capital, Repairs and Replacements, Six Hundred Seventy Five Dollars ..... $ 675.00

STATE ENGINEER.

For the operation and maintenance of the Office of the State Engineer as follows:

(1) For Salaries, Three Thousand Six Hundred Dollars ..... $ 3,600.00

The same being more particularly itemized as follows:

Salary of State Engineer, Three Thousand Dollars ..... $ 3,000.00

Salary of Other Employees, Six Hundred Dollars ..... $ 600.00

(2) For Capital, Repairs and Replacements, One Hundred Dollars ..... $ 100.00

(3) For other Operating Expenses, Three Hundred Fifteen Dollars ..... $ 315.00

(4) For Stream Gauging, Five Thousand Six Hundred Dollars ..... $ 5,600.00

In addition thereto not to exceed Three Thousand Three Hundred Dollars ($3,300.00) from the Carey Land Act Fund to be expended as follows:

(1) Salary Assistant Secretary, One Thousand Eight Hundred Dollars ..... $ 1,800.00

(2) For other Operating Expenses, One Thousand Five Hundred Dollars ..... $ 1,500.00

HeinOnline -- 1929 428 1929

STATE LAW LIBRARY.

For the operation and maintenance of the State Law Library as follows:

(1) For Salaries of Librarian and Clerk, Four Thousand Three Hundred Dollars ..... $ 4,300.00

(2) For Capital, Repairs and Replacements, One Hundred Thirty Five Dollars ..... $ 135.00

(3) For other Operating Expenses, Three Hundred Fifteen Dollars ..... $ 315.00

ADJUTANT GENERAL.

For the operation and maintenance of the Office of Adjutant General as follows:

(1) For Salaries, Seven Thousand Nine Hundred Dollars ..... $ 7,900.00

The same being more particularly itemized as follows:

Salary of Adjutant General, Three Thousand Dollars.... $ 3,000.00

Salaries of other Employees, Four Thousand Nine Hundred Dollars ..... $ 4,900.00

(2) For Capital, Repairs and Replacements, One Hundred Dollars ..... $ 100.00

(3) For other Operating Expenses, Seventeen Thousand Five Hundred Dollars..... $ 17,500.00

Section 2. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the Treasury of the State of Montana, not otherwise appropriated, for the operation and maintenance of certain offices, boards and commissions and for the objects and purposes hereinafter stated for the year beginning July 1, 1930, and ending June 30, 1931.

CAPITOL BUILDING.

For the operation and maintenance of the Capitol Building as follows:

(1) For Salaries, Thirty Thousand Six Hundred Dollars ..... $ 30,600.00

The same being more particularly itemized as follows:

Salary of Custodian, Two Thousand Dollars..... $ 2,000.00

Salary of Postmaster and Clerk, Two Thousand Seven Hundred Dollars ..... $ 2,700.00

Salaries of Others, Twenty-Five Thousand Nine Hundred Dollars ..... $ 25,900.00

(2) For Capital, Repairs and Replacements, Two Thousand One Hundred Forty-Three Dollars..... $ 2,143.00

HeinOnline -- 1929 429 1929

(3) For Other Operating Expenses, Twelve Thousand Dollars ..... $ 12,000.00

BOARD OF EDUCATION.

For the payment of expenses of the State Board of Education, One Thousand Dollars..... $ 1,000.00

To be paid from the Common School Equalization Fund the following amount:

For Salary of Clerk of Equalization Board, Eighteen Hundred Dollars ..... $ 1,800.00

VOCATIONAL EDUCATION.

For the payment of salaries, Supplies and Other Operating Expenses in connection with Vocational Education, Seventeen Thousand Dollars..... $ 17,000.00

VOCATIONAL REHABILITATION.

For the operation and maintenance of the Vocational Rehabilitation Department as follows:

(1) For Salaries, and Expenses, Thirteen Thousand Five Hundred Dollars ..... $ 13,500.00

The same being more particularly itemized as follows:

Salaries of Employees, Four Thousand Two Hundred Fifty Dollars ..... $ 4,250.00

For Expenses and Payment of Training Expenses of the work of Vocational Rehabilitation, Nine Thousand Two Hundred Fifty Dollars ..... $ 9,250.00

G. A. R. CUSTODIAN.

For the payment of salary of the G. A. R. Custodian, One Thousand Eighty Dollars..... $1,080.00

PURCHASING AGENT.

For the operation and maintenance of the Office of the Purchasing Agent as follows:

(1) For Salaries, Twelve Thousand Seven Hundred Seventy Dollars ..... $ 12,770.00

The same being more particularly itemized as follows:

Salary of Purchasing Agent, Five Thousand Dollars.... $ 5,000.00

Salary of Assistant Agent, Twenty Seven Hundred Dollars ..... $ 2,700.00

Salaries of Clerks and Stenographers, Three Thousand Two Hundred Seventy Dollars..... $ 3,270.00

Salary of Accountant, One Thousand Eight Hundred Dollars ..... $ 1,800.00

HeinOnline -- 1929 430 1929

Salary of Highway Man, Twenty-One Hundred Dollars ..... $ 2,100.00

Salary of above Highway Man to be paid from Highway Fund.

(2) For Capital, Repairs and Replacements, Two Hundred Dollars ..... $ 200.00

(3) For Other Operating Expenses, Two Thousand One Hundred Ninety-Five Dollars $2,195.00

HISTORICAL SOCIETY OF MONTANA.

For the operation and maintenance of the Historical Society as follows:

(1) For Salaries, Four Thousand Two Hundred Dollars ..... $ 4,200.00

The same being more particularly itemized as follows:

Salary of Librarian, Twenty-Four Hundred Dollars ..... $ 2,400.00

Salaries of Others, One Thousand Eight Hundred Dollars ..... $ 1,800.00

(2) For Other Operating Expenses, Five Hundred Forty Dollars ..... $ 540.00

(3) For Capital, Repairs and Replacements, Six Hundred Seventy-Five Dollars ..... $ 675.00

STATE ENGINEER.

For the operation and maintenance of the office of the State Engineer as follows:

(1) For Salaries, Three Thousand Six Hundred Dollars ..... $ 3,600.00

The same being more particularly itemized as follows:

Salary of State Engineer, Three Thousand Dollars ..... $ 3,000.00

Salaries of Other Employees, Six Hundred Dollars ..... $ 600.00

(2) For Capital, Repairs and Replacements, One Hundred Dollars $100.00

(3) For Other Operating Expenses, Three Hundred Fifteen Dollars ..... $ 315.00

(4) For Stream Gauging, Five Thousand Six Hundred Dollars ..... $ 5,600.00

In addition thereto not to exceed Three Thousand Three Hundred Dollars ..... $ 3,300.00 from the Carey Land Act Fund to be expended as follows:

(1) Salary Assistant Secretary, Eighteen Hundred Dollars ..... $ 1,800.00

(2) For Other Operating Expenses, One Thousand Five Hundred Dollars ..... $ 1,500.00

HeinOnline -- 1929 431 1929

STATE LAW LIBRARY.

For the operation and maintenance of the State Law Library as follows:

(1) For Salaries of Librarian and Clerk, Four Thousand Three Hundred Dollars.....$ 4,300.00

(2) For Capital, Repairs and Replacements, One Hundred Thirty-Five Dollars.....$ 135.00

(3) For Other Operating Expenses, Three Hundred Fifteen Dollars .....$ 315.00

ADJUTANT GENERAL.

For the operation and maintenance of the office of Adjutant General as follows:

(1) For Salaries, Seven Thousand Nine Hundred Dollars .....$ 7,900.00

The same being more particularly itemized as follows:

Salary of Adjutant General, Three Thousand Dollars....$ 3,000.00

Salaries of Other Employees, Four Thousand Nine Hundred Dollars .....$ 4,900.00

(2) For Capital, Repairs and Replacements, One Hundred Dollars .....$ 100.00

(3) For Other Operating Expenses, Seventeen Thousand Five Hundred Dollars.....$ 17,500.00

Section 3. The sums appropriated in Sections 1 and 2 of this Act are in addition to all income from funds in connection with the Departments specified herein. Provided, the Board of Examiners of the State of Montana is hereby authorized and empowered to transfer amounts or parts of amounts herein appropriated in one item to supplement amounts appropriated for another item in each Department, providing the aggregate amount of the appropriation is neither increased or decreased.

Section 4. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 18, 1929.

HeinOnline -- 1929 432 1929

HOUSE BILL NO. 321.

An Act Appropriating Money for the Operation and Maintenance of Certain of the Boards, Commissions and Departments of the State of Montana for the Period Beginning July 1, 1929, and ending June 30, 1931.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the Treasury of the State of Montana, not otherwise appropriated for the operation and maintenance of certain offices, boards and commissions and for the objects and purposes hereinafter stated for the year beginning July 1, 1929, and ending June 30, 1930.

STATE FORESTER.

For the operation and maintenance of the office of the State Forester as follows:

(1) For Salaries, Seven Thousand Five Hundred Dollars ..... $ 7,500.00

The same being more particularly itemized as follows:

Salary of State Forester, Three Thousand Dollars..... $ 3,000.00

Salaries of Other Employees, Four Thousand Five Hundred Dollars $4,500.00

(2) For Capital, Repairs and Replacements, Four Hundred Ten Dollars ..... $ 410.00

(3) For Other Operating Expenses of the State Forester, One Thousand Five Hundred Dollars..... $ 1,500.00

(4) For Protection of State Lands, Thirteen Thousand Five Hundred Dollars ..... $ 13,500.00

(5) For the payment of expenses of making timber sales including salaries of Scalers, Ten Thousand Dollars ..... $ 10,000.00

(6) For the expenses incurred in making exchanges of land with the Federal Government, One Thousand Dollars ..... $ 1,000.00

COAL MINE INSPECTORS.

For payment out of the General Fund, of the per diem and expenses of the Board of Coal Mine Examiners, Five Hundred Dollars ..... $ 500.00

HeinOnline -- 1929 433 1929

CHILD AND ANIMAL PROTECTION.

For the operation and maintenance of the office of Child and Animal Protection as follows:

(1) For Salaries, Ten Thousand Five Hundred Dollars ..... $ 10,500.00

The same being more particularly itemized as follows:

Salary of Secretary, Two Thousand Five Hundred Dollars ..... $ 2,500.00

Salaries of Deputies, Six Thousand Five Hundred Dollars ..... $ 6,500.00

Salaries of Others, One Thousand Five Hundred Dollars ..... $ 1,500.00

(2) For Capital, Repairs and Replacements, Thirty Dollars ..... $ 30.00

(3) For Other Operating Expenses, Two Thousand Seven Hundred Dollars ..... $ 2,700.00

BOARD OF EQUALIZATION.

For the operation and maintenance of the Board of Equalization as follows:

(1) For Salaries, Thirty-Four Thousand Eight Hundred Dollars ..... $ 34,800.00

The same being more particularly itemized as follows:

Salaries of Three Commissioners, Fifteen Thousand Dollars ..... $ 15,000.00

Salary of Secretary, Three Thousand Six Hundred Dollars ..... $ 3,600.00

Salary of State Tax Council, Three Thousand Dollars ..... $ 3,000.00

Salary of Corporation License Tax Auditor, Two Thousand Seven Hundred Dollars ..... $ 2,700.00

Salaries of Other Employees, Ten Thousand Five Hundred Dollars ..... $ 10,500.00

(2) For Capital, Repairs and Replacements, Three Hundred Dollars ..... $ 300.00

(3) For Printing and Binding Publications, One Thousand Two Hundred Dollars ..... $ 1,200.00

(4) For Other Operating Expenses, Seven Thousand Four Hundred Dollars ..... $ 7,400.00

STATE EXAMINER.

For the operation and maintenance of the State Examiner's office as follows:

(1) For Salaries, Thirty Nine Thousand One Hundred Eighty Dollars $39,180.00

HeinOnline -- 1929 434 1929

The same being more particularly itemized as follows:

Salary of State Examiner, Five Thousand Four Hundred Dollars ..... $ 5,400.00

Salaries of Deputies, Eleven Thousand Seven Hundred Dollars ..... $ 11,700.00

Salaries of Deputy State Examiners, Ten Thousand Eight Hundred Dollars ..... $ 10,800.00

Salary of Chief Deputy, Three Thousand Dollars ..... $ 3,000.00

Salary of Others, Eight Thousand Two Hundred Eighty Dollars ..... $ 8,280.00

(2) For Capital, Repairs and Replacements, Four Hundred Dollars ..... $ 400.00

(3) For Other Operating Expenses, Fourteen Thousand Dollars ..... $ 14,000.00

BOARD OF CHARITIES AND REFORMS.

For the payment of per diem and expenses in the operation of the State Board of Charities and Reforms, One Hundred Dollars ..... $ 100.00

BOARD OF EXAMINERS.

For the operation and maintenance of the Board of Examiners' office as follows:

(1) For Salaries, Eight Thousand Five Hundred Twenty Dollars ..... $ 8,520.00

(2) For Capital, Repairs and Replacements, Two Hundred Dollars ..... $ 200.00

(3) For Other Operating Expenses, One Thousand Dollars ..... $ 1,000.00

STATE LAND OFFICE.

For the operation and maintenance of the State Land office as follows:

(1) For Salaries, Twenty Two Thousand Five Hundred Dollars ..... $ 22,500.00

The same being more particularly itemized as follows:

Salary of Register, Three Thousand Six Hundred Dollars ..... $ 3,600.00

Salary of Deputy Register, Two Thousand Four Hundred Dollars ..... $ 2,400.00

Salaries of Others, Sixteen Thousand Five Hundred Dollars ..... $ 16,500.00

(2) For Capital, Repairs and Replacements, Two Hundred Fifty Dollars ..... $ 250.00

HeinOnline -- 1929 435 1929

(3) For Legal Publications, One Thousand Five Hundred Seventy Five Dollars ..... $ 1,575.00

(4) For Other Operating Expenses, Three Thousand One Hundred Fifty Dollars ..... $ 3,150.00

STATE LAND AGENT.

For the operation and maintenance of the State Land Agent's office as follows:

(1) For Salaries, Nine Thousand Two Hundred Fifty Dollars ..... $ 9,250.00

(2) For Other Operating Expenses, Six Thousand Dollars ..... $ 6,000.00

STATE ACCOUNTANT.

For the operation and maintenance of the State Accountant's office as follows:

For the payment of salaries, supplies, travel and other expenses of the State Accountant's office, Three Thousand Seven Hundred Eighty Dollars ..... $ 3,780.00

STATE BUDGET OFFICE.

For the operation and maintenance of the State Budget Office as follows:

(1) For Salaries, Six Thousand Five Hundred Dollars ..... $ 6,500.00

(2) For Capital, Repairs and Replacements, Two Hundred Dollars ..... $ 200.00

(3) For Other Operating Expenses, One Thousand Two Hundred Twenty Dollars ..... $ 1,220.00

Section 2. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the Treasury of the State of Montana, not otherwise appropriated for the operation and maintenance of certain offices, boards and commissions and for the objects and purposes hereinafter stated for the year beginning July 1, 1930, and ending June 30, 1931.

STATE FORESTER.

For the operation and maintenance of the office of the State Forester as follows:

(1) For Salaries, Seven Thousand Five Hundred Dollars ..... $ 7,500.00

The same being more particularly itemized as follows:

Salary of State Forester, Three Thousand Dollars ..... $ 3,000.00

Salaries of Other Employees, Four Thousand Five Hundred Dollars ..... $ 4,500.00

HeinOnline -- 1929 436 1929

(2) For Capital, Repairs and Replacements, Four Hundred Ten Dollars ..... $ 410.00

(3) For Other Operating Expenses of the State Forester, One Thousand Five Hundred Dollars ..... $ 1,500.00

(4) For Protection of State Lands, Thirteen Thousand Five Hundred Dollars ..... $ 13,500.00

(5) For the payment of expenses of making timber sales including salaries of Scalers, Ten Thousand Dollars ..... $ 10,000.00

(6) For the expenses incurred in making exchanges of land with the Federal Government, One Thousand Dollars ..... $ 1,000.00

CHILD AND ANIMAL PROTECTION.

For the operation and maintenance of the office of Child and Animal Protection as follows:

(1) For Salaries, Ten Thousand Five Hundred Dollars ..... $ 10,500.00

The same being more particularly itemized as follows:

Salary of Secretary, Two Thousand Five Hundred Dollars ..... $ 2,500.00

Salaries of Deputies, Six Thousand Five Hundred Dollars ..... $ 6,500.00

Salaries of Others, One Thousand Five Hundred Dollars ..... $ 1,500.00

(2) For Capital, Repairs and Replacements, Thirty Dollars ..... $ 30.00

(3) For Other Operating Expenses, Two Thousand Seven Hundred Dollars ..... $ 2,700.00

BOARD OF EQUALIZATION.

For the operation and maintenance of the Board of Equalization as follows:

(1) For Salaries, Thirty-Four Thousand Eight Hundred Dollars ..... $ 34,800.00

The same being more particularly itemized as follows:

Salaries of Three Commissioners, Fifteen Thousand Dollars ..... $ 15,000.00

Salary of Secretary, Three Thousand Six Hundred Dollars ..... $ 3,600.00

Salary of State Tax Council, Three Thousand Dollars ..... $ 3,000.00

Salary of Corporation License Tax Auditor, Two Thousand Seven Hundred Dollars ..... $ 2,700.00

HeinOnline -- 1929 437 1929

Salaries of Other Employees, Ten Thousand Five Hundred Dollars ..... $ 10,500.00

(2) For Capital, Repairs and Replacements, Three Hundred Dollars ..... $ 300.00

(3) For Printing and Binding Publications, One Thousand Two Hundred Dollars ..... $ 1,200.00

(4) For Other Operating Expenses, Seven Thousand Four Hundred Dollars ..... $ 7,400.00

STATE EXAMINER.

For the operation and maintenance of the State Examiner's office as follows:

(1) For Salaries, Thirty-Nine Thousand One Hundred Eighty Dollars ..... $ 39,180.00

The same being more particularly itemized as follows:

Salary of State Examiner, Five Thousand Four Hundred Dollars ..... $ 5,400.00

Salary of Deputies, Eleven Thousand Seven Hundred Dollars ..... $ 11,700.00

Salaries of Deputy State Examiners, Ten Thousand Eight Hundred Dollars ..... $ 10,800.00

Salary of Chief Deputy, Three Thousand Dollars ..... $ 3,000.00

Salaries of Others, Eight Thousand Two Hundred Eighty Dollars ..... $ 8,280.00

(2) For Capital, Repairs and Replacements, Four Hundred Dollars ..... $ 400.00

(3) For Other Operating Expenses, Fourteen Thousand Dollars ..... $ 14,000.00

BOARD OF CHARITIES AND REFORMS.

For the payment of per diem and expenses in the operation of the State Board of Charities and Reforms, One Hundred Dollars ..... $ 100.00

BOARD OF EXAMINERS.

For the operation and maintenance of the Board of Examiners' office as follows:

(1) For Salaries, Eight Thousand Five Hundred Twenty Dollars ..... $ 8,520.00

(2) For Capital, Repairs and Replacements, Two Hundred Dollars ..... $ 200.00

(3) For Other Operating Expenses, One Thousand Dollars ..... $ 1,000.00

HeinOnline -- 1929 438 1929

STATE LAND OFFICE.

For the operation and maintenance of the State Land Office as follows:

(1) For Salaries, Twenty-Two Thousand Five Hundred Dollars ..... $ 22,500.00

The same being more particularly itemized as follows:

Salary of Register, Three Thousand Six Hundred Dollars ..... $ 3,600.00

Salary of Deputy Register, Two Thousand Four Hundred Dollars ..... $ 2,400.00

Salaries of Others, Sixteen Thousand Five Hundred Dollars ..... $ 16,500.00

(2) For Capital, Repairs and Replacements, Two Hundred Fifty Dollars ..... $ 250.00

(3) For Legal Publications, One Thousand Five Hundred Seventy-five Dollars ..... $ 1,575.00

(4) For Other Operating Expenses, Three Thousand One Hundred Fifty Dollars ..... $ 3,150.00

STATE LAND AGENT.

For the operation and maintenance of the State Land Agent's office as follows:

(1) For Salaries, Nine Thousand Two Hundred Fifty Dollars ..... $ 9,250.00

(2) For Other Operating Expenses, Six Thousand Dollars ..... $ 6,000.00

STATE ACCOUNTANT.

For the operation and maintenance of the State Accountant's office as follows:

For the payment of salaries, supplies, travel and other expenses of the State Acountant's office, Four Thousand Dollars ..... $ 4,000.00

STATE BUDGET OFFICE.

For the operation and maintenance of the State Budget Office as follows:

(1) For Salaries, Six Thousand Six Hundred Dollars ..... $ 6,600.00

(2) For Capital, Repairs and Replacements, Seventy-Five Dollars ..... $ 75.00

(3) For Other Operating Expenses, One Thousand Three Hundred Dollars ..... $ 1,300.00

HeinOnline -- 1929 439 1929

Section 3. The sums appropriated in Section 1 and 2 of this Act are in addition to all income from Funds in connection with the Departments specified herein. Provided, the Board of Examiners of the State of Montana is hereby authorized and empowered to transfer amounts or parts of amounts, herein appropriated in one item, to supplement amounts appropriated for another item, providing the aggregate amount of appropriation is neither increased or decreased.

Section 4. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 18, 1929.

HOUSE BILL NO. 322.

An Act to Appropriate Funds for the Operation and Maintenance of Certain of the State's Institutions for the Period Beginning July 1, 1929, and Ending June 30, 1931.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, and from any Special Funds of the State herein designated for the objects and purposes hereinafter expressed for the fiscal year beginning July 1, 1929, and ending June 30, 1930.

STATE PRISON.

For the operation and maintenance of the State Prison at Deer Lodge as follows:

(1) For Salaries, Fifty-Eight Thousand One Hundred Eighty Dollars ..... $ 58,180.00

The same being more particularly itemized as follows:

Salary of Warden, Four Thousand Dollars ..... $ 4,000.00

Salary of Others, Fifty-Four Thousand One Hundred Eighty Dollars ..... $ 54,180.00

(2) For Capital, Repairs and Replacements, Eleven Thousand One Hundred Fifty Dollars ..... $ 11,150.00

(3) For Other Operating Expenses, Seventy-Four Thousand Six Hundred Seventy Dollars ..... $ 74,670.00

HeinOnline -- 1929 440 1929

INDUSTRIAL SCHOOL.

For the operation and maintenance of the Industrial School as follows:

(1) For Salaries, Thirty Thousand Four Hundred Dollars ..... $ 30,400.00

The same being more particularly itemized as follows:

Salary of President, Two Thousand Seven Hundred Fifty Dollars ..... $ 2,750.00

Salary of Secretary, One Thousand Nine Hundred and Eighty Dollars ..... $ 1,980.00

Salary of Physician, One Thousand Two Hundred Dollars ..... $ 1,200.00

Salary of Others, Twenty-Four Thousand Four Hundred Seventy Dollars ..... $ 24,470.00

(2) For Capital, Repairs and Replacements, Three Thousand Seven Hundred and Fifty Dollars ..... $ 3,750.00

(3) For Other Operating Expenses, Fifteen Thousand One Hundred and Fifty-Eight Dollars ..... $ 15,158.00

(4) For Additional Land, Eleven Thousand Dollars ..... $ 11,000.00

TUBERCULOSIS SANITARIUM.

For the operation and maintenance of the Tuberculosis Sanitarium as follows:

(1) For Salaries, Fifty-Four Thousand Three Hundred Sixty Dollars ..... $ 54,360.00

(2) For Capital, Repairs and Replacements, Four Thousand Five Hundred Dollars ..... $ 4,500.00

(3) For Other Operating Expenses, Five Thousand Forty Dollars ..... $ 5,040.00

ORPHANS' HOME.

For the operation and maintenance of the Orphans' Home as follows:

(1) For Salaries, Thirty-Six Thousand One Hundred Twenty-Six Dollars ..... $ 36,126.00

The same being more particularly itemized as follows:

Salary of Superintendent, Two Thousand Five Hundred Dollars ..... $ 2,500.00

Salary of Others, Thirty-Three Thousand Six Hundred Twenty-Six Dollars ..... $ 33,626.00

(2) For Capital, Repairs and Replacements, Four Thousand Five Hundred Dollars ..... $ 4,500.00

HeinOnline -- 1929 441 1929

(3) For Other Operating Expenses, Twenty-Eight Thousand Eight Hundred Dollars.....$ 28,800.00

SOLDIERS' HOME.

For the operation and maintenance of the Soldiers' Home as follows:

(1) For Salaries, Twenty-Three Thousand Five Hundred Twenty-Six Dollars.....$ 23,526.00

(2) For Capital, Repairs and Replacements, Two Thousand Three Hundred Ninety-Four Dollars.....$ 2,394.00

(3) For Other Operating Expenses, Twenty-Two Thousand Five Hundred Sixty-Three Dollars.....$ 22,563.00

STATE HOSPITAL FOR INSANE.

For the operation and maintenance of the State Hospital for Insane as follows:

(1) For Salaries, One Hundred Forty-Two Thousand Dollars $142,000.00

(2) For Capital, Repairs and Replacements, Twenty-Five Thousand Dollars.....$ 25,000.00

(3) For Other Operating Expenses, One Hundred Fifty-Three Thousand One Hundred Fifty Dollars $153,150.00

SCHOOL FOR DEAF AND BLIND.

For the operation and maintenance of the School for Deaf and Blind as follows:

(1) For Salaries, Sixty-Nine Thousand Eight Hundred Dollars .....$ 69,800.00

(2) For Capital, Repairs and Replacements, Two Thousand Seventy Dollars.....$ 2,070.00

(3) For Other Operating Expenses, Sixty Thousand One Hundred Thirty Dollars.....$60,130.00

Section 2. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, and from any Special Funds of the State herein designated for the objects and purposes hereinafter expressed for the fiscal year beginning July 1, 1930, and ending June 30, 1931.

STATE PRISON.

For the operation and maintenance of the State Prison at Deer Lodge as follows:

(1) For Salaries, Fifty-Eight Thousand One Hundred Eighty Dollars .....$ 58,180.00

The same being more particularly itemized as follows:

Salary of Warden, Four Thousand Dollars.....$ 4,000.00

HeinOnline -- 1929 442 1929

Salary of Others, Fifty-Four Thousand One Hundred Eighty Dollars ..... $ 54,180.00

(2) For Capital, Repairs and Replacements, Eleven Thousand One Hundred Fifty Dollars ..... $ 11,150.00

(3) For Other Operating Expenses, Seventy-Four Thousand Six Hundred Seventy Dollars ..... $ 74,670.00

INDUSTRIAL SCHOOL.

For the operation and maintenance of the Industrial School as follows:

(1) For Salaries, Thirty Thousand Four Hundred Dollars ..... $ 30,400.00

The same being more particularly itemized as follows:

Salary of President, Two Thousand Seven Hundred Fifty Dollars ..... $ 2,750.00

Salary of Secretary, One Thousand Nine Hundred Eighty Dollars ..... $ 1,980.00

Salary of Physician, One Thousand Two Hundred Dollars ..... $ 1,200.00

Salary of Others, Twenty-Four Thousand Four Hundred Seventy Dollars $24,470.00

(2) For Capital, Repairs and Replacements, Three Thousand Seven Hundred and Fifty Dollars ..... $ 3,750.00

(3) For Other Operating Expenses, Fifteen Thousand, One Hundred Fifty-Eight Dollars ..... $ 15,158.00

TUBERCULOSIS SANITARIUM. For the operation and maintenance of the Tuberculosis Sanitarium as follows:

(1) For Salaries, Fifty-Four Thousand Three Hundred Sixty Dollars ..... $ 54,360.00

(2) For Capital, Repairs and Replacements, Four Thousand Five Hundred Dollars ..... $ 4,500.00

(3) For Other Operating Expenses, Five Thousand Forty Dollars ..... $ 5,040.00

ORPHANS' HOME. For the operation and maintenance of the Orphans' Home as follows:

(1) For Salaries, Thirty-Six Thousand One Hundred Twenty-Six Dollars ..... $ 36,126.00

The same being more particularly itemized as follows:

Salary of Superintendent, Two Thousand Five Hundred Dollars ..... $ 2,500.00

Salary of Others, Thirty-Seven Thousand Six Hundred Forty Dollars $37,640.00

HeinOnline -- 1929 443 1929

(2) For Capital, Repairs and Replacements, Four Thousand Five Hundred Dollars ..... $ 4,500.00

(3) For Other Operating Expenses, Twenty-Eight Thousand Eight Hundred Dollars ..... $ 28,800.00

SOLDIERS' HOME. For the operation and maintenance of the Soldiers' Home as follows:

(1) For Salaries, Twenty-Three Thousand Five Hundred Twenty-Six Dollars ..... $ 23,526.00

(2) For Capital, Repairs and Replacements, Two Thousand Three Hundred Ninety Four Dollars ..... $ 2,394.00

(3) For Other Operating Expenses, Twenty-Two Thousand Five Hundred Sixty-Three Dollars ..... $ 22,563.00

STATE HOSPITAL FOR INSANE. For the operation and maintenance of the State Hospital for Insane as follows:

(1) For Salaries, One Hundred Forty-Two Thousand Dollars $142,000.00

(2) For Capital, Repairs and Replacements, Twenty-Five Thousand Dollars ..... $ 25,000.00

(3) For Other Operating Expenses, One Hundred Fifty-Three Thousand One Hundred Fifty Dollars $153,150.00

SCHOOL FOR DEAF AND BLIND. For the operation and maintenance of the School for Deaf and Blind as follows:

(1) For Salaries, Sixty-Nine Thousand Eight Hundred Dollars ..... $ 69,800.00

(2) For Capital, Repairs and Replacements, Two Thousand Seventy Dollars ..... $ 2,070.00

(3) For Other Operating Expenses, Sixty Thousand One Hundred Thirty Dollars ..... $ 60,130.00

Section 3. The sums appropriated as "Other Operating Expenses" in Section 1 and 2 of this Act are declared to be in addition to all the incomes of said institutions from all permanent funds and endowments and from all land grants and from all fees and earnings of said institutions from whatever source they may be derived, provided that all moneys in said funds are to be expended first before using the appropriation; and it is further provided, the Board of Examiners of the State of Montana is hereby authorized and empowered to transfer amounts or parts of amounts herein appropriated in any one item, to supplement amounts appropriated for other items in each institution, provided the aggregate amount of the Appropriation is neither increased or decreased, and provided further

HeinOnline -- 1929 444 1929

that the money herein appropriated for the purchase of additional land for the Industrial School shall not be used for any other purpose.

Section 4. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 18, 1929.

HOUSE BILL NO. 323.

An Act to Appropriate Money for the Operation and Maintenance of Certain of the State Offices of the State of Montana for the Period Beginning July 1, 1929, and Ending June 30, 1931.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed for the year beginning July 1, 1929, and ending June 30, 1930.

GOVERNOR. For the operation and maintenance of the Governor's office as follows:

(1) For Salaries, Twelve Thousand Five Hundred Dollars ..... $ 12,500.00

The same being more particularly itemized as follows:

Salary of Governor, Seven Thousand Five Hundred Dollars $7,500.00

Salary of Acting Governor, Five Hundred Dollars ..... $ 500.00

Salary of Governor's Secretary, Three Thousand Dollars $3,000.00

Salary of Stenographer, One Thousand Five Hundred Dollars $1,500.00

(2) For Capital, Repairs and Replacements, Two Hundred Dollars ..... $ 200.00

(3) For Requisition, Six Thousand Dollars ..... $ 6,000.00

(4) For operation and maintenance of the Governor's Office, One Thousand One Hundred Seventy-Five Dollars ..... $ 1,175.00

(5) For operation and maintenance of the Governor's mansion, Four Thousand Eighty Dollars ..... $ 4,080.00

HeinOnline -- 1929 445 1929

ATTORNEY GENERAL. For the operation and maintenance of the Attorney General's Office as follows:

(1) For Salaries, Twenty-Three Thousand Three Hundred Twenty Dollars ..... $ 23,320.00

The same being more particularly itemized as follows:

Salary of Attorney General, Four Thousand Five Hundred Dollars ..... $ 4,500.00

Salaries of Assistant Attorney Generals, Twelve Thousand Six Hundred Dollars $12,600.00

Salary of Law Clerk, Twenty-One Hundred Dollars ..... $ 2,100.00

Salary of Other Employees, Four Thousand One Hundred Twenty Dollars ..... $ 4,120.00

(2) For Capital, Repairs and Replacements, Three Hundred Dollars ..... $ 300.00

(3) For Other Operating Expenses, Two Thousand Eight Hundred Dollars ..... $ 2,800.00

FARM LOAN DEPARTMENT. (1) For Salaries, Six Thousand Eight Hundred Dollars ..... $ 6,800.00

The same being more particularly itemized as follows:

Salary of Special Assistant Attorney General, Three Thousand Dollars ..... $ 3,000.00

Salary of Other Employees, Three Thousand Eight Hundred Dollars ..... $ 3,800.00

(2) For Other Operating Expenses, One Thousand Dollars ..... $ 1,000.00

STATE TREASURER. For the operation and maintenance of the Treasurer's Office as follows:

(1) For Salaries, Fifteen Thousand Dollars ..... $ 15.000.00

The same being more particularly itemized as follows:

Salary of Treasurer, Four Thousand Two Hundred Dollars ..... $ 4,200.00

Salary of Deputy Treasurer, Three Thousand Dollars ..... $ 3,000.00

Salaries of Other Employees, Seven Thousand Eight Hundred Dollars ..... $ 7,800.00

(2) For Other Operating Expenses, Five Thousand Dollars ..... $ 5,000.00

(3) For Capital, Repairs and Replacements, Four Hundred Dollars ..... $ 400.00

(4) For Printing Treasurer's Report, Two Thousand Dollars ..... $ 2,000.00

HeinOnline -- 1929 446 1929

STATE AUDITOR. For the operation and maintenance of the State Auditor's Office as follows:

(1) For Salaries, Fourteen Thousand Seven Hundred Thirty Dollars ..... $ 14,730.00

The same being more particularly itemized as follows:

Salary of State Auditor, Thirty-Six Hundred Dollars ..... $ 3,600.00

Salary of State Deputy Auditor, Three Thousand Dollars ..... $ 3,000.00

Salaries of Others, Eight Thousand One Hundred Thirty Dollars ..... $ 8,130.00

(2) Salary of Stenographer to be paid from Highway Fund, One Thousand Six Hundred Twenty Dollars ..... $ 1,620.00

(3) For Capital, Repairs and Replacements, Four Hundred Fifty Dollars ..... $ 450.00

(4) For Other Operation Expenses, One Thousand Eight Hundred Dollars ..... $ 1,800.00

INSURANCE DEPARTMENT. (1) For Salaries, Nine Thousand Six Hundred Dollars ..... $ 9,600.00

The same being more particularly itemized as follows:

Salary of Insurance Commissioner, Six Hundred Dollars ..... $ 600.00

Salary of Deputy Commissioner, Three Thousand Dollars ..... $ 3,000.00

Salaries of Other Employees, Four Thousand Eight Hundred Dollars ..... $ 4,800.00

Salary of Actuary, Twelve Hundred Dollars ..... $ 1,200.00

(2) For Other Operating Expenses, Three Thousand Seven Hundred Dollars ..... $ 3,700.00

(3) For the payment of the distribution of the Fireman's Disability Fund, as provided in Section 5127 of the Revised Codes of Montana, an appropriation sufficient to meet the Requirements as provided by law.

INVESTMENT DEPARTMENT. (1) For Salaries and Expenses of the Investment Department as follows:
Three Thousand Dollars ..... $ 3,000.00

SUPERINTENDENT OF PUBLIC INSTRUCTION. For the operation and maintenance of the office of Superintendent of Public Instruction, as follows:

HeinOnline -- 1929 447 1929

(1) For Salaries, Ten Thousand One Hundred Dollars ..... $ 10,100.00

The same being more particularly itemized as follows:

Salary of Superintendent, Three Thousand Six Hundred Dollars ..... $ 3,600.00

Salary of Deputy Superintendent, Two Thousand Five Hundred Dollars ..... $ 2,500.00

Salaries of Other Employees, Four Thousand Dollars ..... $ 4,000.00

(2) For Capital, Repairs and Replacements, Five Hundred Dollars ..... $ 500.00

(3) For Other Expenses, Six Thousand Nine Hundred Ninety Dollars 6,990.00

(4) For Salaries and Expenses of High School and Rural School Inspectors and for traveling expenses, the sum of Nine Thousand Nine Hundred Dollars ..... $ 9,900.00

NORMAL TRAINING IN HIGH SCHOOL. For the payment of reimbursements to become due High Schools for Salaries of Teachers engaged in said High Schools in connection with the work of Normal Training, Nine Thousand Dollars ..... $ 9,000.00

SECRETARY OF STATE. For the operation and maintenance of the office of the Secretary of State, as follows:

(1) For Salaries, Fourteen Thousand, One Hundred Dollars ..... $ 14,100.00

The same being more particularly itemized as follows:

Salary of Secretary of State, Four Thousand Two Hundred Dollars ..... $ 4,200.00

Salary of Deputy, Three Thousand Dollars ..$ 3,000.00

Salaries of Other Office Employees, Six Thousand Nine Hundred Dollars ..... $ 6,900.00

(2) For Other Operating Expenses, One Thousand Two Hundred Dollars ..... $ 1,200.00

(3) For Capital, Repairs and Replacements, One Hundred Fifty Dollars ..... $ 150.00

Section 2. That the following sums or so much therof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed for the year beginning July 1, 1930, and ending June 30, 1931.

HeinOnline -- 1929 448 1929

GOVERNOR. For the operation and maintenance of the Governor's office as follows:

(1) For Salaries, Twelve Thousand Five Hundred Dollars ..... $ 12,500.00

The same being more particularly itemized as follows:

Salary of Governor, Seven Thousand Five Hundred Dollars ..... $ 7,500.00

Salary of Acting Governor, Five Hundred Dollars ..... $ 500.00

Salary of Governor's Secretary, Three Thousand Dollars ..... $ 3,000.00

Salary of Stenographer, Fifteen Hundred Dollars ..... $ 1,500.00

(2) For Capital, Repairs and Replacements, Two Hundred Dollars ..... $ 200.00

(3) For Requisition, Six Thousand Dollars .. $ 6,000.00

(4) For operation and maintenance of the Governor's office, One Thousand One Hundred Seventy-Five Dollars ..... $ 1,175.00

(5) For Operation and Maintenance of the Governor's mansion, Four Thousand Eighty Dollars ..... $ 4,080.00

ATTORNEY GENERAL. For the operation and maintenance of the Attorney General's Office as follows:

(1) For Salaries, Twenty-Three Thousand Three Hundred Twenty Dollars ..... $ 23,320.00

The same being more particularly itemized as follows:

Salary of Attorney General, Four Thousand Five Hundred Dollars ..... $ 4,500.00

Salaries of Assistant Attorney Generals, Twelve Thousand Six Hundred Dollars $12,600.00

Salary of Law Clerk, Two Thousand One Hundred Dollars ..... $ 2,100.00

Salary of Other Employees, Four Thousand One Hundred Twenty Dollars ..... $ 4,120.00

(2) For Capital, Repairs and Replacements, Three Hundred Dollars ..... $ 300.00

(3) For Other Operating Expenses, Two Thousand Eight Hundred Dollars ..... $ 2,800.00

(4) For Printing Attorney General's Opinions and Reports, One Thousand Two Hundred Fifty Dollars ..... $ 1,250.00

FARM LOAN DEPARTMENT. (1) For Salaries, Six Thousand Eight Hundred Dollars ..... $ 6,800.00

HeinOnline -- 1929 449 1929

The same being more particularly itemized as follows:
Salary of Special Assistant Attorney General, Three Thousand Dollars ..... $ 3,000.00
Salary of Other Employees, Three Thousand Eight Hundred Dollars ..... $ 3,800.00
(2) For Other Operating Expenses, One Thousand Dollars ..... $ 1,000.00

STATE TREASURER.

For the operation and maintenance of the Treasurer's Office as follows:
(1) For Salaries, Fifteen Thousand Dollars ..... $ 15,000.00
The same being more particularly itemized as follows:
Salary of Treasurer, Four Thousand Two Hundred Dollars ..... $ 4,200.00
Salary of Deputy Treasurer, Three Thousand Dollars ..... $ 3,000.00
Salaries of Other Employees, Seven Thousand Eight Hundred Dollars ..... $ 7,800.00
(2) For Other Operating Expenses, Five Thousand Dollars ..... $ 5,000.00
(3) For Capital, Repairs and Replacements, Four Hundred Dollars ..... $ 400.00
(4) For Printing Treasurer's Report, Two Thousand Dollars ..... $ 2,000.00

STATE AUDITOR.

For the operation and maintenance of the State Auditor's Office as follows:
(1) For Salaries, Thirteen Thousand Three Hundred Thirty Dollars ..... $ 13,330.00
The same being more particularly itemized as follows:
Salary of State Auditor, Three Thousand Six Hundred Dollars ..... $ 3,600.00
Salary of State Deputy Auditor, Three Thousand Dollars ..... $ 3,000.00
Salaries of Others, Six Thousand Seven Hundred Thirty Dollars ..... $ 6,730.00
(2) Salary of Stenographer to be paid from Highway Fund, One Thousand Six Hundred Twenty Dollars ..... $ 1,620.00
(3) For Capital, Repairs and Replacements, Four Hundred Fifty Dollars ..... $ 450.00
(4) For Other Operating Expenses, One Thousand Eight Hundred Dollars ..... $ 1,800.00

HeinOnline -- 1929 450 1929

INSURANCE DEPARTMENT.

(1) For Salaries, Nine Thousand Six Hundred Dollars ..... $ 9,600.00

The same being more particularly itemized as follows:

Salary of Insurance Commissioner, Six Hundred Dollars ..... $ 600.00

Salary of Deputy Commissioner, Three Thousand Dollars ..... $ 3,000.00

Salaries of Other Employees, Four Thousand Eight Hundred Dollars ..... $ 4,800.00

Salary of Actuary, One Thousand Two Hundred Dollars ..... $ 1,200.00

(2) For Other Operating Expenses, Three Thousand Seven Hundred Dollars ..... $ 3,700.00

(3) For the payment of the distribution of the Fireman's Disability Fund, as provided in Section 5127 of the Revised Codes of Montana, an appropriation sufficient to meet the Requirements as provided by law.

INVESTMENT DEPARTMENT.

(1) For Salaries and Expenses of the Investment Department as follows:

Three Thousand Dollars ..... $ 3,000.00

SUPERINTENDENT OF PUBLIC INSTRUCTION.

For the operation and maintenance of the office of Superintendent of Public Instruction, as follows:

(1) For Salaries, Ten Thousand One Hundred Dollars ..... $ 10,100.00

The same being more particularly itemized as follows:

Salary of Superintendent, Three Thousand Six Hundred Dollars ..... $ 3,600.00

Salary of Deputy Superintendent, Two Thousand Five Hundred Dollars ..... $ 2,500.00

Salaries of Other Employees, Four Thousand Dollars ..... $ 4,000.00

(2) For Capital, Repairs and Replacements, Five Hundred Dollars ..... $ 500.00

(3) For Other Expenses, Six Thousand Nine Hundred Ninety Dollars ..... $ 6,990.00

(4) For Salaries and Expenses of High School and Rural School Inspectors and for traveling expenses, the sum of Nine Thousand Nine Hundred Dollars ..... $ 9,900.00

HeinOnline -- 1929 451 1929

NORMAL TRAINING IN HIGH SCHOOL.

For the payment of reimbursements to become due High Schools for Salaries of Teachers engaged in said High Schools in connection with the work of Normal Training, Nine Thousand Dollars ..... $ 9,000.00

SECRETARY OF STATE.

For the operation and maintenance of the office of the Secretary of State, as follows:

(1) For Salaries, Fourteen Thousand One Hundred Dollars ..... $ 14,100.00

The same being more particularly itemized as follows:

Salary of Secretary of State, Four Thousand Two Hundred Dollars ..... $ 4,200.00

Salary of Deputy, Three Thousand Dollars .... $ 3,000.00

Salaries of Other Office Employees, Six Thousand Nine Hundred Dollars ..... $ 6,900.00

(2) For Other Operating Expenses, One Thousand Two Hundred Dollars ..... $ 1,200.00

(3) For Capital, Repairs and Replacements, One Hundred Fifty Dollars ..... $ 150.00

(4) For Election Expenses, Publishing Constitutional Amendments, Initiative and Referendum Measures, Printing and Binding Election Books, Thirteen Thousand Five Hundred Dollars ..... $ 13,500.00

Section 3. Provided, the Board of Examiners of the State of Montana is hereby authorized and empowered to transfer amounts, or parts of amounts, herein appropriated in any one item to supplement amounts appropriated for another item, providing the aggregate amount of the appropriation is neither increased nor decreased.

Section 4. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 18, 1929.

HeinOnline -- 1929 452 1929

HOUSE BILL NO. 325.

An Act Appropriating Money for the Operation and Maintenance of Certain Boards, Departments and Institutions of the State of Montana for the Year Ending June 30, 1929, the Appropriations Made by the Twentieth Legislative Assembly Having Been Found to be Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated for the objects and purposes hereinafter expressed for the year ending June 30, 1929.

TRANSPORTATION OF PRISONERS.

For the payment of claims for Transportation of Prisoners, Four Thousand Dollars.....$ 4,000.00

SECRETARY OF STATE.

For the payment of salaries and expenses of the Secretary of State's office, Twenty Five Hundred Dollars.....$ 2,500.00

The same being more particularly itemized as follows:

Salaries of Office Employees, One Thousand and Fifty Dollars .....$ 1,050.00

Other Operating Expenses, One Thousand Four Hundred Fifty Dollars .....$ 1,450.00

STATE AUDITOR.

For the payment of salaries and expenses of the State Auditor's office, Two Thousand Six Hundred Seventy Five Dollars, ...$ 2,675.00

The same being more particularly itemized as follows:

Salaries of Office Employees, Six Hundred Seventy Five Dollars .....$ 675.00

Other Operating Expenses, Two Thousand Dollars .....$ 2,000.00

CAPITOL BUILDING.

For the payment of expenses in connection with the operation and maintenance of the State Capitol Building, Six Thousand Six Hundred Dollars.....$ 6,600.00

The same being more particularly itemized as follows:

Salaries of Engineers, Five Hundred Dollars .....$ 500.00

HeinOnline -- 1929 453 1929

Salaries of Others, Twenty Six Hundred Dollars ..... $ 2,600.00

Other Operating Expenses, One Thousand Dollars ..... $ 1,000.00

Capital, Repairs and Replacements in connection with the repairing of the roof and other repairs of the Capitol Building, Two Thousand Five Hundred Dollars ..... $ 2,500.00

INDUSTRIAL SCHOOL.

For the payment of salaries and expenses of the Industrial School at Miles City, Six Thousand One Hundred Dollars ..... $ 6,100.00

The same being more particularly itemized as follows:

Salary of President, Five Hundred Dollars .. $ 500.00

Salaries of Physicians, Six Hundred Dollars $ 600.00

Capital and Repairs, Five Hundred Dollars .. $ 500.00

Other Operating Expenses, Four Thousand Five Hundred Dollars ..... $ 4,500.00

Section 2. Provided further, that all appropriations contained herein shall be used for the purposes designated and for no other purpose.

Section 3. Appropriations herein provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 4. This Act shall be in full force and effect from and after its passage and aproval.

Approved March 11, 1929.

HOUSE BILL NO. 326.

An Act to Appropriate Funds for the Payment of a Deficiency Claim of Valley County for Advances Made to Ben Olson, Sheriff of Valley County, in Transporting Convicts from Glasgow to Deer Lodge, Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Seventy-four and 23-100 Dollars ($74.23), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the purpose of reimbursing Valley County for expenses advanced to Ben Olson, as Sheriff of Valley

HeinOnline -- 1929 454 1929

County for transporting prisoners from Glasgow to Deer Lodge, Montana, said claim having been approved by the State Board of Examiners.

Section 2. Appropriation herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 11, 1929.

HOUSE BILL NO. 327.

An Act to Appropriate Money for the Refund of Overpayment of Corporation License Tax in the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the objects and purposes hereinafter expressed; for the refund to the Piggly Wiggly Montana Company for overpayment of corporation license tax for the year ending December 31, 1926, One Hundred and Seventy-Three and 72-100 Dollars ($173.72).

Section 2. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1929.

HOUSE BILL NO. 328.

An Act Appropriating Money for the Payment of Deficiency Claim of National Electric Company for Labor and Material Furnished at State School of Mines at Butte, Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Six Hundred Sixty-Two and 39-100 Dollars ($662.39) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of reimburs-

HeinOnline -- 1929 455 1929

ing the National Electric Company for labor and material furnished at the State School of Mines at Butte, Montana .

Six Hundred and Sixty-Two and 39-100 Dollars.....$ 662.39

Section 2. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1929.

HOUSE BILL NO. 337.

An Act Appropriating Money for the State Highway Commission for the Period Beginning July 1, 1929 and Ending June 30, 1931.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated out of the State Highway Fund the sum of Five Million Dollars ($5,000,000.00), together with all additional moneys which may be deposited by Law to the credit of said Fund during the period from July 1, 1929, to June 30, 1931, not otherwise appropriated, and including the unexpended balance in said Fund on June 30, 1929, for expenditure by the State Highway Commission as provided by Law during the period from July 1, 1929 to June 30, 1931; Provided that the total cost to the State for administration and engineering on the Federal Aid work prescribed by Law shall not exceed for any fiscal year eight per cent (8%) of the total of State, Federal Aid and other available funds expended under the supervision of the State Highway Commission as provided by Initiative Measure Number 31; and that the Commission shall file a monthly report showing the overhead cost of operation with the Governor; Provided further that the State Treasurer is hereby required to transfer from the State Highway Fund to the State Highway Trust Fund from time to time upon the request of the State Highway Commission, subject to the approval of the Board of Examiners, such parts of the moneys hereby appropriated as are necessary to match Federal Aid for construction and reconstruction purposes, and when so transferred said moneys may be expended and drawn from said State Highway Trust Fund in the same manner as other moneys in said Fund are expended.

Section 2. This Act shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 11, 1929.

HeinOnline -- 1929 456 1929

HOUSE BILL NO. 339.

An Act Appropriating Money for the Payment of Renewal Premiums for Fire Insurance on State Buildings and Contents Thereon for a Three Year Period.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Ninety Thousand Dollars ($90,000.00) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated for the payment of renewal premiums on fire insurance policies for a three (3) year period, on state owned buildings, contents and fixtures.

Section 2. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 11, 1929.

HOUSE BILL NO. 340.

An Act Appropriating Money for the Use and Benefit of the State Board of Equalization in Carrying Out the Provisions of Law Relating to the Collection of Gasoline License Taxes and Rebates Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated out of the Treasury of the State of Montana the following sums for the use of the State Board of Equalization to be paid out of any moneys which have been or may be credited to the State Highway Fund in carrying out the provisions of Chapters 17 and 19 of the Laws of the Twentieth Legislative Assembly, and Acts amendatory thereto, relative to gasoline license taxes and rebates thereof, to-wit:

For the period beginning July 1, 1929 and ending June 30, 1930:

(1) For Salaries, Fourteen Thousand Seven Hundred Dollars ..... $ 14,700.00

The same being more particularly itemized as follows:

Salary of Auditor, Two Thousand Four Hundred Dollars ..... $ 2,400.00

Salary of Assistant Auditor, One Thousand Eight Hundred Dollars ..... $ 1,800.00

HeinOnline -- 1929 457 1929

Salary of Fieldmen, Four Thousand Eight Hundred Dollars ..... $ 4,800.00
Salary of Chief Clerk, Two Thousand Seven Hundred Dollars ..... $ 2,700.00
Salary of Stenographers, Three Thousand Dollars ..... $ 3,000.00
(2) For Capital, Repairs and Replacements, One Thousand Dollars ..... $ 1,000.00
(3) For Other Operating Expenses, Three Thousand Eight Hundred Forty Dollars ..... $ 3,840.00

Section 2. There is otherwise appropriated out of the Treasury of the State of Montana the following sums for the use of the State Board of Equalization, to be paid out of any moneys which have been or may be credited to the State Highway Fund in carrying out the provisions of Chapters 17 and 19 of the Laws of the Twentieth Legislative Assembly, and Acts amendatory thereto, relative to gasoline license taxes and rebates thereof, to-wit:

For the period beginning July 1, 1930 and ending June 30, 1931:

(1) For Salaries, Fourteen Thousand Seven Hundred Dollars ..... $ 14,700.00

The same being more particularly itemized as follows:

Salary of Auditor, Two Thousand Four Hundred Dollars ..... $ 2,400.00
Salary of Assistant Auditor, One Thousand Eight Hundred Dollars ..... $ 1,800.00
Salary of Fieldmen, Four Thousand Eight Hundred Dollars ..... $ 4,800.00
Salary of Chief Clerk, Two Thousand Seven Hundred Dollars ..... $ 2,700.00
Salary of Stenographers, Three Thousand Dollars ..... $ 3,000.00
(2) For Capital, Repairs and Replacements, One Thousand Dollars ..... $ 1,000.00
(3) For Other Operating Expenses, Four Thousand Eight Hundred Forty Dollars ..... $ 4,840.00

Section 3. This Act shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 18, 1929.

HeinOnline -- 1929 458 1929

HOUSE BILL NO. 341.

An Act Appropriating Money for the Operation and Maintenance of the Six Units of the University of Montana, for the Regional Summer School at Miles City, and for Students Railroad Fare Refund for the Period Beginning July 1, 1929, and Ending June 30, 1931.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury from the one and one-half (1½) mill levy not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter expressed, for the year beginning July 1, 1929, and ending June 30, 1930.

STATE UNIVERSITY.

(1) For the payment of salaries and other expenses of the State University, Three Hundred Sixty-Five Thousand Dollars $365,000.00

(2) For Repairs, Eleven Thousand Five Hundred Dollars ..... $ 11,500.00

STATE COLLEGE OF AGRICULTURE AND MECHANIC ARTS.

(1) For the payment of salaries and other expenses of the State College of Agriculture and Mechanic Arts, Two Hundred Fifteen Thousand Dollars $215,000.00

(2) For Repairs, Seventeen Thousand Nine Hundred Eighty Dollars ..... $ 17,980.00

STATE NORMAL COLLEGE.

(1) For the payment of salaries and other expenses of the State Normal College, Seventy-Seven Thousand Dollars ..... $ 77,000.00

(2) For Repairs, Four Thousand Two Hundred Fifty Dollars ..... $ 4,250.00

All benefits derived from Public Lands set aside for Normal School purposes shall be expended for the State Normal School at Dillon, Montana.

STATE SCHOOL OF MINES.

(1) For the payment of salaries and other expenses of the State School of Mines, Fifty-Nine Thousand Dollars ..... $ 59,000.00

(2) For salaries and other expenses for operating the Bureau of Mines and Geology, Five Thousand Dollars ..... $ 5,000.00

HeinOnline -- 1929 459 1929

Section 2. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the objects and purposes hereinafter expressed, for the year beginning July 1, 1929, and ending June 30, 1930.

EASTERN MONTANA NORMAL SCHOOL.

(1) For the payment of salaries and other expenses of the Eastern Montana Normal School, Seventy-Eight Thousand Dollars ..... $ 78,000.00

NORTHERN MONTANA AGRICULTURAL AND MANUAL TRAINING SCHOOL.

(1) For the payment of salaries, equipment and other expenses of the Academic Department or Departments of the Northern Montana Agricultural and Manual Training School, Thirty-Eight Thousand Dollars..... $ 38,000.00

REGIONAL SUMMER SCHOOL AT MILES CITY.

For operation and maintenance of the Regional Summer School at Miles City, Seven Hundred Dollars..... $ 700.00

Section 3. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to equalize the traveling fare of students in attendance upon the institutions of the Greater University of Montana for the year beginning July 1, 1929, and ending June 30, 1930.

Ten Thousand Dollars ..... $ 10,000.00

Section 4. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury from the one and one-half (1½) mill levy not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter expressed, for the year beginning July 1, 1930, and ending June 30, 1931.

For the payment of salaries and other expenses of the State University, Three Hundred Sixty-Five Thousand Dollars $365,000.00

STATE COLLEGE OF AGRICULTURE AND MECHANIC ARTS.

For the payment of salaries and other expenses of the State College of Agriculture and Mechanic Arts, Two Hundred Fifteen Thousand Dollars..... $215,000.00

HeinOnline -- 1929 460 1929

STATE NORMAL COLLEGE.

For the payment of salaries and other expenses of the State Normal College, Seventy Seven Thousand Dollars ..... $ 77,000.00

All benefits derived from Public Lands set aside for Normal School purposes shall be expended for the State Normal College at Dillon, Montana.

STATE SCHOOL OF MINES.

(1) For the payment of salaries and other expenses of the State School of Mines, Fifty Nine Thousand Dollars ..$. 59,000.00

(2) For salaries and other expenses for operating the Bureau of Mines and Geology, Five Thousand Dollars ..... $ 5,000.00

Section 5. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the year beginning July 1, 1930, and ending June 30, 1931.

EASTERN MONTANA NORMAL SCHOOL.

For the payment of salaries and other expenses of the Eastern Montana Normal School, Seventy Eight Thousand Dollars ..... $ 78,000.00

NORTHERN MONTANA AGRICULTURAL AND MANUAL TRAINING SCHOOL.

For the payment of Salaries, equipment and other expenses of the Academic Department or Departments of the Northern Montana Agricultural and Manual Training School, Forty Seven Thousand Dollars..... $ 47,000.00

REGIONAL SUMMER SCHOOL AT MILES CITY.

For operation and maintenance of the Regional Summer School at Miles City, Seven Hundred Dollars..... $ 700.00

Section 6. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to equalize the traveling fare of students in attendance upon the institutions of the Greater University of Montana for the year beginning July 1, 1930, and ending June 30, 1931.

Ten Thousand Dollars ..... $ 10,000.00

Section 7. The sums appropriated in Sections 1, 2, 4, and 5 of this Act are in addition to all the income of said institutions from all permanent funds and endowments, and from all land

HeinOnline -- 1929 461 1929

grants; from all fees and earnings of said institutions, from whatever source they may be derived; and from all contributions derived from public or private bounty.

Section 8. If the one and one-half (1½) mills appropriated in Sections 1 and 4 are not sufficient to cover the appropriations named in said Sections 1 and 4, the balance of said appropriations in Sections 1 and 4 shall be paid from the General Fund of the State.

Section 9. Appropriations herein provided for shall be used for the purposes designated and for no other purpose.

Section 10. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 22, 1929.

HOUSE BILL NO. 342.

An Act Appropriating Money for the Operation and Maintenance of the Vocational School for Girls for the Period Beginning July 1, 1929, and Ending June 30, 1931.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the operation and maintenance of the Vocational School for Girls for the year beginning July 1, 1929, and ending June 30, 1930.

(1) For Salaries, Twenty Thousand Dollars.....$ 20,000.00

The same being more particularly itemized as follows:

Salary of Superintendent, Two Thousand Five Hundred Dollars .....$ 2,500.00

Salaries of Others, Seventeen Thousand Five Hundred Dollars .....$ 17,500.00

(2) For Capital, Repairs and Replacements, Two Thousand Dollars .....$ 2,000.00

(3) For Other Operating Expenses, Four Thousand Five Hundred Dollars .....$ 4,500.00

Section 2. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the

HeinOnline -- 1929 462 1929

operation and maintenance of the Vocational School for Girls for the year beginning July 1, 1930, and ending June 30, 1931.

(1) For Salaries, Twenty Thousand Dollars.....$ 20,000.00

The same being more particularly itemized as follows:

Salary of Superintendent, Two Thousand Five Hundred Dollars .....$ 2,500.00

Salaries of Others, Seventeen Thousand Five Hundred Dollars .....$ 17,500.00

(2) For Capital, Repairs and Replacements, Two Thousand Dollars .....$ 2,000.00

(3) For Other Operating Expenses, Four Thousand Five Hundred Dollars .....$ 4,500.00

Section 3. The sums appropriated as "Other Operating Expenses" in Section 1 and Section 2 of this Act are declared to be in addition to all the incomes of said institution from whatever source they may be derived, provided that all moneys in said fund are to be expended first before using the appropriation; and it is further provided, the Board of Examiners of the State of Montana is hereby authorized and empowered to transfer amounts, or parts of amounts, herein appropriated in any one item, to supplement amounts appropriated for other items, providing the aggregate amount of appropriation is neither increased nor decreased.

Section 4. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 18, 1929.

HOUSE BILL NO. 343.

An Act Appropriating Money for the Operation and Maintenance of the Railroad Commission and Ex-Officio Departments Thereunder for the Period Beginning July 1, 1929, and Ending June 30, 1931.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the Treasury of the State of Montana, not otherwise appropriated for the operation and maintenance of the Railroad Commission and Ex-Officio Departments thereunder, and for the objects and purposes hereinafter stated for the year beginning July 1, 1929, and ending June 30, 1930.

HeinOnline -- 1929 463 1929

BOARD OF RAILROAD COMMISSIONERS.

For the operation and maintenance of the office of Railroad Commission as follows:

(1) For Salaries, Thirty Thousand One Hundred Dollars ..... $ 30,100.00

The same being more particularly itemized as follows:

Salaries of Commissioners, Twelve Thousand Dollars ..... $ 12,000.00

Salary of Secretary, Three Thousand Six Hundred Dollars ..... $ 3,600.00

Salary of Assistant Secretary, Three Thousand Dollars ..... $ 3,000.00

Salary of Rate Expert, Three Thousand Dollars ..... $ 3,000.00

Salary of Inspector, Two Thousand Five Hundred Dollars ..... $ 2,500.00

Salary of Reporter, Three Thousand Dollars ..... $ 3,000.00

Salaries of Stenographers, Three Thousand Dollars ..... $ 3,000.00

(2) For Capital, Repairs and Replacements, Three Hundred Thirty-Five Dollars ..... $ 335.00

(3) For Other Operating Expenses, Three Thousand Seven Hundred Dollars ..... $ 3,700.00

PUBLIC SERVICE COMMISSION.

(1) For Salaries, Eight Thousand One Hundred Dollars ..... $ 8,100.00

The same being more particularly itemized as follows:

Salary of Engineer, Three Thousand Six Hundred Dollars ..... $ 3,600.00

Salary of Assistant Engineer, One Thousand Eight Hundred Dollars ..... $ 1,800.00

Salary of Auditor, Two Thousand Seven Hundred Dollars ..... $ 2,700.00

(2) For Other Operating Expenses, One Thousand Dollars ..... $ 1,000.00

OIL AND GAS DIVISION.

(1) For Salaries, Twelve Thousand Dollars ..... $ 12,000.00

The same being more particularly itemized as follows:

Salary of Inspector, not to exceed Three Thousand Three Hundred Dollars ..... $ 3,300.00

HeinOnline -- 1929 464 1929

Salary of Three Field Men at Two Thousand Four Hundred Dollars each, Seven Thousand Two Hundred Dollars.....$ 7,200.00

Salary of Stenographer, One Thousand Five Hundred Dollars .....$ 1,500.00

(2) For Other Operating Expenses, Two Thousand Seven Hundred Dollars .....$ 2,700.00

MOTOR VEHICLE DIVISION.

(1) For Salaries, One Thousand Eight Hundred Dollars .....$ 1,800.00

The same being more particularly itemized as follows:

Salary of Superintendent, One Thousand Five Hundred Dollars .....$ 1,500.00

Salary of Office Employees, Three Hundred Dollars .....$ 300.00

(2) For Salaries and Other Operating Expenses, so much thereof as may be necessary to be paid from the collections as provided in Chapter 154 of the Session Laws of 1923, relating to Motor Vehicles.

Section 2. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the Treasury of the State of Montana, not otherwise appropriated for the operation and maintenance of the Railroad Commission and Ex-officio Departments thereunder, and for the objects and purposes hereinafter stated for the year beginning July 1, 1930, and ending June 30, 1931.

BOARD OF RAILROAD COMMISSIONERS.

For the operation and maintenance of the office of the Railroad Commission as follows:

(1) For Salaries, Thirty Thousand One Hundred Dollars .....$ 30,100.00

The same being more particularly itemized as follows:

Salaries of Commissioners, Twelve Thousand Dollars .....$ 12,000.00

Salary of Secretary, Three Thousand Six Hundred Dollars .....$ 3,600.00

Salary of Assistant Secretary, Three Thousand Dollars .....$ 3,000.00

Salary of Rate Expert, Three Thousand Dollars .....$ 3,000.00

Salary of Inspector, Two Thousand Five Hundred Dollars .....$ 2,500.00

HeinOnline -- 1929 465 1929

Salary of Reporter, Three Thousand Dollars ..... $ 3,000.00

Salaries of Stenographers, Three Thousand Dollars ..... $ 3,000.00

(2) For Capital, Repairs and Replacements, Three Hundred Thirty-Five Dollars ..... $ 335.00

(3) For Other Operating Expenses, Three Thousand Seven Hundred Dollars ..... $ 3,700.00

PUBLIC SERVICE COMMISSION.

(1) For Salaries, Eight Thousand One Hundred Dollars ..... $ 8,100.00

The same being more particularized as follows:

Salary of Engineer, Three Thousand Six Hundred Dollars ..... $ 3,600.00

Salary of Assistant Engineer, One Thousand Eight Hundred Dollars ..... $ 1,800.00

Salary of Auditor, Two Thousand Seven Hundred Dollars ..... $ 2,700.00

(2) For Other Operating Expenses, One Thousand Dollars ..... $ 1,000.00

OIL AND GAS DIVISION.

(1) For Salaries, Twelve Thousand Dollars ..... $ 12,000.00

The same being more particularly itemized as follows:

Salary of Inspector, not to exceed Three Thousand Three Hundred Dollars ..... $ 3,300.00

Salaries of Three Field Men at Twenty Four Hundred Dollars each, Seven Thousand Two Hundred Dollars ..... $ 7,200.00

Salary of Stenographer, One Thousand Five Hundred Dollars ..... $ 1,500.00

(2) For Other Operating Expenses, Two Thousand Seven Hundred Dollars ..... $ 2,700.00

MOTOR VEHICLE DIVISION.

(1) For Salaries, One Thousand Eight Hundred Dollars ..... $ 1,800.00

The same being more particularly itemized as follows:

Salary of Superintendent, One Thousand Five Hundred Dollars ..... $ 1,500.00

Salary of Office Employees, Three Hundred Dollars ..... $ 300.00

HeinOnline -- 1929 466 1929

(2) For Salaries and Other Operating Expenses, so much thereof as may be necessary to be paid from the collections as provided in Chapter 154 of the Session Laws of 1923, relating to Motor Vehicles.

Section 3. Provided, the Board of Examiners of the State of Montana is hereby authorized and empowered to transfer amounts or parts of amounts, herein appropriated in any one item, to supplement amounts appropriated for other items in each Division, provided the aggregate amount of appropriation is neither increased or decreased.

Section 4. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 18, 1929.

HOUSE BILL NO. 344.

An Act Appropriating Money for the Operation and Maintenance of the Department of Agriculture, Labor and Industry, and for the Montana State Fair for the Period Beginning July 1, 1929. and Ending June 30, 1931.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury and other special funds of the State of Montana, not otherwise appropriated, for the objects and purposes in the manner hereinafter stated for the year beginning July 1, 1929, and ending June 30, 1930.

DEPARTMENT OF AGRICULTURE, LABOR AND INDUSTRY.

For the operation and maintenance of the Department of Agriculture, Labor and Industry as follows:

For the payment of salaries, supplies, and expenses in connection with the General Administrative Expense of the Commissioner's Office from the General Fund, as follows:

(1) For Salaries, Seven Thousand One Hundred Seventy Five Dollars ..... $ 7,175.00

The same being more particularly itemized as follows:

Salary of Commissioner, Five Thousand Dollars..... $ 5,000.00

Salary of Accountant, One Thousand Eight Hundred Dollars ..... $ 1,800.00

HeinOnline -- 1929 467 1929

Salaries of Others, Three Hundred Seventy Five Dollars ..... $ 375.00

(2) For Capital, Repairs and Replacements, Five Hundred Dollars ..... $ 500.00

(3) For Other Operation Expenses, One Thousand Dollars ..... $ 1,000.00

DAIRY DIVISION.

For the operation and expenses of the Dairying Division from the General Fund, Eight Thousand Dollars..... $ 8,000.00

In addition thereto there is hereby appropriated all fees and earnings of this Division for the use of this Division.

HORTICULTURE DIVISION.

For the operation and expenses of the Horticulture Division from the General Fund, Eight Thousand Dollars ..... $ 8,000.00

In addition thereto there is hereby appropriated all fees and earnings of this Division for the use of this Division.

APICULTURE DIVISION.

For the operation and expenses of the Apiculture Division from the General Fund, Five Thousand Dollars.... $ 5,000.00

In addition thereto there is hereby appropriated all fees and earnings of this Division for the use of this Division.

POULTRY SHOW DIVISION.

For the operation and expenses of the Poultry Show Division from the General Fund, Two Thousand Dollars.. $ 2,000.00

GRAIN GRADING AND SCALE TESTING DIVISION.

For the operation and expenses of the Grain Grading and Scale Testing Division all fees and earnings except as herein specifically provided for.

LABOR, REAL ESTATE AND PUBLICITY DIVISION.

For the payment of salaries, supplies and general expenses of the Labor, Real Estate and Publicity Division to be paid from the General Fund, Eight Thousand Seven Hundred Dollars ..... $ 8,700.00

In addition thereto there is hereby appropriated all fees and earnings of the Real Estate Division for the use of the Labor, Real Estate and Publicity Division.

MONTANA STATE FAIR.

All fees and earnings of the Montana State Fair, from whatsoever source they may be derived, are hereby annually and per-

HeinOnline -- 1929 468 1929

petually appropriated for the use of said Montana State Fair. All sums of every nature collected, received or arising from the operation of the Montana State Fair shall be turned over to the State Treasurer of the State of Montana, and placed by him in the General Fund to be known and designated "State Fair Revolving Appropriation Account." Said fund is hereby exclusively set apart and made available for the payment of all expenses, fees and expenditures of said Montana State Fair of every nature whatsoever, and said Fund shall be expended, for any and all purposes, by the legally authorized management of said State Fair, subject to the audit of the State Board of Examiners.

That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the payment of salaries, premiums and other expenses of the Montana State Fair for the year beginning July 1, 1929, and ending June 30, 1930, Thirty Thousand Dollars ($30,000.00). That the sum of Fourteen Thousand Dollars ($14,000.00) shall be and the same is hereby set aside for the purpose of the payment of premiums on livestock, agricultural exhibits and such other exhibits as the State Fair Board shall designate, and that the said sum of Fourteen Thousand Dollars ($14,000.00) shall be used for no other purpose. That the sum of Sixteen Thousand Dollars ($16,000.00) shall be used for the purpose of maintenance, operation and other expenses of the Montana State Fair, and shall be used for no other purpose.

Section 2. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury and other special funds of the State of Montana, not otherwise appropriated, for the objects and purposes in the manner hereinafter stated for the year beginning July 1, 1930, and ending June 30, 1931.

DEPARTMENT OF AGRICULTURE, LABOR AND INDUSTRY.

For the operation and maintenance of the Department of Agriculture, Labor and Industry as follows:

For the payment of salaries, supplies, and expenses in connection with the General Administrative Expense of the Commissioner's Office from the General Fund, as follows:

(1) For Salaries, Seven Thousand One Hundred Seventy Five Dollars ..... $ 7,175.00

The same being more particularly itemized as follows:

Salary of Commissioner, Five Thousand Dollars ..... $ 5,000.00

Salary of Accountant, One Thousand Eight Hundred Dollars ..... $ 1,800.00

HeinOnline -- 1929 469 1929

Salaries of Others, Three Hundred Seventy Five Dollars ..... $ 375.00

(2) For Capital, Repairs and Replacements, Five Hundred Dollars ..... $ 500.00

(3) For Other Operating Expenses, One Thousand Dollars ..... $ 1,000.00

DAIRY DIVISION.

For the operation and expenses of the Dairying Division from the General Fund, Eight Thousand Dollars..... $ 8,000.00

In addition thereto there is hereby appropriated all fees and earnings of this Division for the use of this Division.

HORTICULTURE DIVISION.

For the operation and expenses of the Horticulture Division from the General Fund, Eight Thousand Dollars .... $ 8,000.00

In addition thereto there is hereby appropriated all fees and earnings of this Division for the use of this Division.

APICULTURE DIVISION.

For the operation and expenses of the Apiculture Division from the General Fund, Five Thousand Dollars.... $ 5,000.00

In addition thereto there is hereby appropriated all fees and earnings of this Division for the use of this Division.

POULTRY SHOW DIVISION.

For the operation and expenses of the Poultry Show Division from the General Fund, Two Thousand Dollars..... $ 2,000.00

GRAIN GRADING AND SCALE TESTING DIVISION.

For the operation and expenses of the Grain Grading and Scale Testing Division all fees and earnings except as herein specifically provided for.

LABOR, REAL ESTATE AND PUBLICITY DIVISION.

For the payment of salaries, supplies and general expenses of the Labor, Real Estate and Publicity Division to be paid from the General Fund, Eight Thousand Seven Hundred Dollars..... $ 8,700.00

In addition thereto there is hereby appropriated all fees and earnings of the Real Estate Division for the use of the Labor, Real Estate and Publicity Division.

MONTANA STATE FAIR.

That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the payment of

HeinOnline -- 1929 470 1929

salaries, premiums and other expenses of the Montana State Fair for the year beginning July 1, 1930, and ending June 30, 1931, Thirty Thousand Dollars ($30,000.00). That the sum of Fourteen Thousand Dollars ($14,000.00) shall be and the same is hereby set aside for the purpose of the payment of premiums on livestock, agricultural exhibits and such other exhibits as the State Fair Board shall designate, and that the said sum of Fourteen Thousand Dollars ($14,000.00) shall be used for no other purpose. That the sum of Sixteen Thousand Dollars ($16,000.00) shall be used for the purpose of maintenance, operation and other expenses of the Montana State Fair, and shall be used for no other purpose.

Section 3. Provided, the Board of Examiners of the State of Montana is hereby authorized and empowered to transfer amounts, or parts of amounts, herein appropriated in any one item, to supplement the amounts appropriated for other items in each Division, provided the aggregate amount of appropriation is neither increased nor decreased.

Section 4. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 18, 1929.

HOUSE BILL NO. 347

An Act Appropriating Money for the Operation and Maintenance of the Vocational School for Girls for the Year Ending June 30, 1929, the Appropriations Made by the Twentieth Legislative Assembly Having Been Found to be Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Eleven Thousand Dollars, ($11,000.00), or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the operation and maintenance of the Vocational School for Girls, for the year ending June 30, 1929, and for no other purpose.

This appropriation is made owing to the fact that no funds are available for operation and maintenance to June 30, 1929.

Section 2. Appropriations herein provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1929.

HeinOnline -- 1929 471 1929

HOUSE BILL NO. 348.

An Act to Appropriate Money for the Payment of Per Diem to the Officers and Attaches of the Twenty First Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary be and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed, but for no other;

For the payment of per diem to the officers and attaches of the Twenty First Legislative Assembly of the State of Montana, Five Thousand Dollars $5,000.00

Section 2. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1929.

HOUSE BILL NO. 349.

An Act Appropriating Money for the Two Years Beginning July 1, 1929, and Ending June 30, 1931, for the Payment of Refunds or Drawbacks Under the Provisions of House Bill No. 149 of the Twenty First Legislative Assembly of the State of Montana, Relating to Refunds of License Taxes Paid by Dealers in Gasoline.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That a sum of money equal to the total of all claims of refund or drawback allowed and approved by the State Board of Equalization during the year commencing July 1, 1929, and ending June 30, 1930, under the provisions of House Bill No. 149, of the Twenty first Legislative Assembly of the State of Montana, be, and the same is hereby appropriated out of any money in the State Treasury to the credit of the "Gasoline License Drawback Fund," for the purpose of paying such refunds or drawbacks.

Section 2. That a sum of money equal to the total of all claims of refund or drawback allowed and approved by the State Board of Equalization during the year commencing July 1, 1930, and ending

HeinOnline -- 1929 472 1929

June 30, 1931, under the provisions of House Bill No. 149, of the Twenty first Legislative Assembly of the State of Montana, be, and the same is hereby appropriated out of any money in the State Treasury to the credit of the "Gasoline License Drawback Fund," for the purpose of paying such refunds or drawbacks.

Section 3. Appropriation herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 11, 1929.

HOUSE JOINT MEMORIAL NO. 1.

Memorial to the Congress of the United States, Requesting the the Enactment of Such Legislation as May be Necessary to Protect the Beet Sugar Industry.

To the Honorable Senate and House of Representatives of the United States of America:

Your Memorialists, the Members of the Twenty-first Legislative Assembly of the State of Montana, the House and the Senate concurring, respectfully represent:

WHEREAS, it appears that the Congress of the United States will in the near future enact a tariff law; and

WHEREAS, the schedules of said law may have a vital effect upon the agriculture industry of the State of Montana, and particularly upon the raising of sugar beets in this state; and

WHEREAS, the growing of sugar beets and the production of sugar is now an important industry in the State of Montana, and it appears that said industry will become of increasing importance in the future; and

WHEREAS, by reason of the large importation of sugar from points outside of continental United States of America, which sugar has in the past come in free of duty, or at excessively low tariff rates, the very life of the domestic beet sugar industry is threatened; and

WHEREAS, the loss of such industry or the impoverishment thereof would be harmful and dangerous to the business life of this State:

NOW, THEREFOR, BE IT RESOLVED, That it is the sense of your Memorialists, the Legislative Assembly of the State of Montana, that the Congress of the United States, should by proper legislation adequately protect our beet sugar industry from foreign im-

HeinOnline -- 1929 473 1929

portations to an extent at least sufficient to equalize the cost of production at home and abroad; and to limit the free entry of sugar from wheresoever it may come, to the end that such sugar may not be in competition in the domestic market with that portion of the total consumption of sugar in the United States, which can be supplied by domestic production; and

BE IT FURTHER RESOLVED, That a copy of this Memorial duly authenticated, be sent to the Senate and House of Representatives of the United States and to each of the Senators and Representatives of Montana in Congress.

Approved February 9, 1929.

HOUSE JOINT MEMORIAL NO. 2.

Memorial to the Congress of the United States, Requesting the Enactment of Such Legislation as May be Necessary to Protect the Livestock Industry.

To the Honorable Senate and House of Representatives of the United States of America:

Your Memorialists, the Members of the Twenty-first Legislative Assembly of the State of Montana, the House and the Senate concurring, respectfully represent:

WHEREAS, it appears that the Congress of the United States will in the near future enact a tariff law; and,

WHEREAS, the schedules of said law may have a vital effect upon the livestock industry of the State of Montana; and,

WHEREAS, the policy of this country and of the present administration is one of protection to native industries; and,

WHEREAS, alone among important raw materials, cattle hides remain on the free list; and,

WHEREAS, the importation of beef products, particularly of canned beef, has increased and is still increasing in volume; and,

WHEREAS, the beef growers of the United States are entitled to the advantage of a tariff so called that it will effectually diminish the volume of such imports; and,

WHEREAS, such imports originate in countries where the cost of production of livestock is materially less than in the United States; and,

WHEREAS, the sheep growers of this State are now receiving the benefits afforded by a protective tariff on wool and lambs; and,

HeinOnline -- 1929 474 1929

WHEREAS, such tariff protection is absolutely necessary to the development and success of the sheep growing industry;

NOW, THEREFORE, BE IT RESOLVED, That it is the sense of your Memorialists, the Legislative Assembly of the State of Montana, that the Congress of the United States should by proper legislation adequately protect the interests of the livestock industry by placing a duty on hides and by maintaining the present tariff on wool and especially by increasing the tariff on beef and lamb.

BE IT FURTHER RESOLVED, That a copy of this Memorial, duly authenticated, be sent to the Senate and House of Representatives of the United States and to each of the Senators and Representatives of Montana, and Senator Kendrick of Wyoming, in Congress.

Approved February 13, 1929.

HOUSE JOINT MEMORIAL NO. 3.

Memorial to the Congress of the United States Designating the Late Charles Marion Russell as a Distinguished and Illustrious Citizen of the State of Montana, and Requesting a Suitable Place be Provided in the National Statuary Hall for a Statue of the Said Deceased.

To the Honorable Senate and House of Representatives of the United States of America:

Your memorialists, the members of the Twenty First Legislative Assembly of the State of Montana, the House and the Senate concurring, respectfully represent:

WHEREAS, the late Charles Marion Russell was one of the distinguished citizens of the State of Montana, he having become famous as an artist in the depicting on canvas the early life of Montana whereby scenes of historical interest have been preserved; and,

WHEREAS, the paintings of the said Charles Marion Russell have been widely distributed and thereby became known, honored, and enjoyed universal fame; and,

WHEREAS, we believe that due honor to the name and memory of Charles Marion Russell can be no better preserved than by placing a statue of marble or bronze of said distinguished artist in the National Statuary Hall in the National Capitol Building at Washington, D. C.

NOW, THEREFORE, BE IT RESOLVED, That it is the sense and desire of your memorialists that the late Charles Marion Russell be

HeinOnline -- 1929 475 1929

hereby designated and named as a distinguished and illustrious citizen of the State of Montana, and that a place be provided in the National Statuary Hall in the National Capitol Building at Washington, D. C. in which a statue of marble or bronze be placed, and, for that purpose, the Governor of the State of Montana is hereby authorized to constitute a commission, with himself as Chairman and three other members to be by him appointed, for the purpose of securing and designing such statue and to attend to its construction and furnishing the same to the suitable representative of the United States to be placed in the said National Statuary Hall, and to attend to the certification by the State of Montana of this designation of the late Charles Marion Russell as entitled to said place; and,

BE IT FURTHER RESOLVED, That a copy of this Memorial, duly authenticated, be sent to the Senate and House of Representatives of the United States, and to each of the Senators and Representatives of Montana in Congress.

Approved March 1, 1929.

HOUSE JOINT MEMORIAL NO. 4.

A Memorial to the Congress of the United States Requesting That Speedy Consideration be Given Claims of the Indian Tribes Herein Mentioned and that the Comptroller General be Directed to Submit His Data on the Compilation of the Counter Claims of the United States Against Said Indian Tribes.

To the Honorable Senate and House of Representatives of the United States of America:

WHEREAS, the various tribes of Indians of the State of Montana have instituted an action by the filing of a petition in the Court of Claims of the United States No. E-427, under Date of July 10, 1925, to hear, determine and adjudicate the rights of the said various tribes of Indians arising under certain treaty stipulations, covenants and agreements; and,

WHEREAS, the said petition has been pending and unnecessarily delayed too long in the said Court of Claims; and

WHEREAS, the said various tribes of Indians who are now citizens of the United States, by virtue of the Act of Congress of June 2, 1924, and have therefor become an integral part of the nation and are entitled to some consideration in respect to their vested property rights;

NOW, THEREFORE, YOUR MEMORIALISTS request that said petition now pending in the Court of Claims be given speedy con-

HeinOnline -- 1929 476 1929

sideration and urge that you request or command the Comptroller General to submit his data on the compilation of the counter-claims of the United States against said various tribes of Indians; namely, Piegan, Blood, Blackfeet, Gros Ventre and Nez Perce tribes of Indians who have instituted the said action by the Act of Congress approved March 13, 1924, entitled: "An Act for the Relief of Certain Nations or Tribes of Indians in Montana, Idaho, and Washington (43 Stat. L. 21);" and,

BE IT FURTHER RESOLVED, That the said Comptroller General be compelled to submit the said data or an estimate of the said counter-claims at as early a date as possible in order to expedite the speedy adjudication of the said claims of the said various tribes of Indians.

BE IT FURTHER RESOLVED, That a copy of this Memorial, duly authenticated be sent to the Senate and House of Representatives of the United States and to each of the Senators and Representatives of Montana in Congress with the request that they use every effort within their power to bring about an accomplishment of the ends and purposes herein indicated.

Approved March 12, 1929.

HOUSE JOINT MEMORIAL NO. 5.

Memorial to the Congress of the United States, Requesting the Enactment of Such Legislation as May be Necessary to Protect the Poultry Industry.

To the Honorable Senate and House of Representatives of the United States of America:

Your Memorialists, the Members of the Twenty-first Legislative Assembly of the State of Montana, the House and the Senate concurring, respectfully represent:

WHEREAS, the Poultry Growers of the United States are now meeting with destructive competition and cannot survive the present rate of increase in the importation of dressed poultry; and

WHEREAS, the Poultry Growers of the United States are entitled to the advantage of a tariff so-called, that it will effectually diminish the volume of such imports; and

WHEREAS, such imports originate in countries where the cost of production is materially less than in the United States; and

WHEREAS, such tariff protection is absolutely necessary to the development and success of the poultry industry;

HeinOnline -- 1929 477 1929

NOW, THEREFORE, BE IT RESOLVED, That it is the sense of your Memorialists, the Legislative Assembly of the State of Montana, that the Congress of the United States should by proper legislation adequately protect the interests of the poultry industry by increasing the duty upon dressed poultry.

BE IT FURTHER RESOLVED, that a copy of this Memorial, duly authenticated, be sent to the President of the Senate, and the Speaker of the the House of Representatives of the United States and to each of the Senators and Representatives of Montana.

Approved March 6, 1929.

HOUSE JOINT RESOLUTION NO. 1.

A Concurrent Resolution Memorializing Congress to Pass and The President to Approve at This Session House Resolution 14665 by Colton, As Amended.

WHEREAS, there is now pending before the Seventieth Congress Second Session, House Resolution 14665 by Colton, as amended, entitled "A bill to amend the Act entitled 'An Act to provide that the United States shall aid the states in the construction of rural post roads, and for other purposes,' approved July 11, 1916, as amended and supplemented, and for other purposes," and

WHEREAS, the purpose of said House Resolution 14665 as amended, is to authorize the appropriation, out of any money in the Treasury, not otherwise appropriated, for the construction of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations:

The sum of Three Million Five Hundred Thousand Dollars ($3,500,000.00) for the fiscal year ending June 30, 1929.

The sum of Three Million Five Hundred Thousand Dollars ($3,500,000.00) for the fiscal year ending June 30, 1930.

The sum of Three Million Five Hundred Thousand Dollars ($3,500,000.00) for the fiscal year ending June 30, 1931, and

WHEREAS, the State of Montana has 1183 miles on 56 routes on their Forest Highways of which 178 miles are improved, 146 graded and 858 miles unimproved. The estimated cost of completing the total Forest Highway system in Montana to a standard adequate for traffic and to compare with State and Federal Aid style of construction is Thirteen Million Four Hundred Eighteen Thousand Eight Hundred Ninety Two Dollars ($13,418,892.00) while our present annual appropriation in Montana for Forest Highway con-

HeinOnline -- 1929 478 1929

struction is but Three Hundred Fifty Thousand Dollars ($350,000.00) and

WHEREAS, the State Highway Commission has sufficient revenue to complete the graveling of the uncompleted Federal Aid roads in the State in eight years, but this measure does not contemplate taking in the Forestry mileage on that system so at the present rate of appropriations it will take about thirty years to finish the total forestry mileage, and

WHEREAS, a large percentage of this Forest Highway is in mountainous sections where the construction cost will be from Fifteen Thousand Dollars ($15,000.00) to Twenty Thousand Dollars ($20,000.00) per mile and the connections between Montana and Idaho will be particularly costly and take many years to finish, and,

WHEREAS, the speedy completion of the Forest Roads in the Northwestern States is really of national importance and the road situation in Western Montana presents exceptional difficulties, the cost of completing the Forestry mileage in six counties alone being Seven Million, One Hundred Eighty Thousand Dollars ($7,180,000.00) and

WHEREAS, the total acreage of the National Forests in Montana is 15,919,690 or about seventeen per centum (17%) of the total area of the State and this territory contains about half of the road building difficulties in Montana and it is in the northwestern area of Montana that interstate travel is blocked until the Belton-Glacier road is completed.

NOW THEREFORE BE IT RESOLVED, that the Legislature of the State of Montana, the Governor concurring, hereby recommends the prompt passage of House Resolution 14665 by Colton, as amended, at this Session of Congress, in order that the construction of roads as therein provided may be undertaken at once, and their completion expedited.

Approved February 13, 1929.

HeinOnline -- 1929 479 1929

HOUSE JOINT RESOLUTION NO. 2.

A Resolution Expressing the Desire of the People of the State of Montana to the Congress of the United States of America That They Take Into Further Consideration the Resolutions Heretofore Introduced In Both Bodies of Congress, Relating to an Amendment to the Constitution Respecting the Time At Which the President and Vice-President and Members of Congress Shall Assume Their Official Duties.

BE IT RESOLVED, by the House of Representatives of the State of Montana, the Senate concurring:

THAT, we respectfully urge that Congress pass legislation for an amendment to the Constitution of the United States, providing that the President, Vice-President and Members of Congress shall take office the January following their election.

BE IT FURTHER RESOLVED, that, we do most earnestly urge upon the Senators and Representatives in the Congress from the State of Montana that they co-operate in suitable legislation to carry out the intent of this resolution.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Senators and Representatives in Congress from the State of Montana.

Approved February 18, 1929.

HOUSE JOINT RESOLUTION NO. 3.

A Resolution Giving the Assent of the State of Montana to the Act of the Congress of the United States of May 22, 1928, Providing for Further Development of Agricultural Extension Work Between the Agricultural Colleges in the Several States and the United States Department of Agriculture.

WHEREAS, the Congress of the United States has passed an Act approved by the President, May 22, 1928, entitled, An Act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the Act entitled, An Act donating public lands of the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts' approved July 2, 1862, and all Acts supplementary thereto, and the United States Department of Agriculture; and

WHEREAS, it is provided in Section One of the Act aforesaid, that the grants of money authorized by this Act shall be paid an-

HeinOnline -- 1929 480 1929

nually to each State which shall by action of its Legislature assent to the provisions of this Act;

THEREFORE, BE IT RESOLVED by the House of Representatives of the Twenty-first Legislative Assembly, the Senate concurring, that the assent of the Legislature of the State of Montana, be, and is hereby, given to the provisions and requirements of said Act, and that the State Board of Education be, and is hereby, authorized and empowered to receive the grants of money appropriated under said Act, and to organize and conduct agricultural extension work which shall be carried on in connection with the College of Agriculture of the University of Montana in accordance with the terms and conditions expressed in the Act of Congress aforesaid.

Approved March 6, 1929.

HOUSE JOINT RESOLUTION NO. 4.

To the Honorable, The Highway Commission of the State of Montana:

WHEREAS, there is present and increasing need of highway bridges over the Missouri and lower Yellowstone rivers in the State of Montana; and

WHEREAS, the next session of the Legislature of the State of Montana may be interested in providing for the construction of such bridges;

BE IT RESOLVED, by the House of Representatives of the State of Montana, the Senate concurring,

THAT the State Highway Commission of the State of Montana be hereby requested to make necessary examinations and surveys preliminary to the location for construction of highway bridges over the Missouri and Yellowstone Rivers in the State of Montana, as follows:

At a crossing of the Missouri river on the Highway connecting Chinook and Malta with Lewistown.

At a crossing of the Missouri river on the Highway connecting Glasgow and Jordan.

At a crossing of the Missouri river on the Highway connecting Culbertson and Sidney.

At a crossing of the lower Yellowstone river at or near Sidney, Montana.

At a crossing between Winnett and Malta, Montana.

HeinOnline -- 1929 481 1929

Such preliminary surveys, data, and estimates of cost, and any other desirable information herein requested, to be submitted to the Twenty-Second Session of the Legislature of the State of Montana, on or before the twenty-fifth day of January, 1931.

Approved March 12, 1929.

HOUSE JOINT RESOLUTION NO. 6.

A Resolution Giving the Consent of the Twenty First Legislative Assembly of the State of Montana to LeRoy A. Foot, Attorney General of the State, to absent himself from the State for more than sixty (60) consecutive days;

WHEREAS, LeRoy A. Foot, Attorney General of the State of Montana, has for the past eight weeks been confined to his bed by reason of severe illness and has during all of said time been confined in a hospital under the constant care of a physician, and

WHEREAS, he has been advised by his physician that it is essential to his recovery that he spend some time at a lower altitude;

WHEREAS, in the opinion of his physician it would probably be necessary for him to absent himself from the State for a period of more than sixty (60) consecutive days in order to effect a recovery;

BE IT RESOLVED by the Senate and House of Representatives that the consent of the Twenty First Legislative Assembly is hereby given to Attorney General LeRoy A. Foot to absent himself from the State for such period beyond sixty (60) consecutive days as may, in the judgment of his physician, be necessary to his recovery.

Approved March 11, 1929.

SENATE JOINT MEMORIAL NO. 1.

Memorial to the Congress of the United States, to Enact Such Legislation as Will Permit the Owners of Land in the Upper Milk River Irrigation Districts, to Enter into Contracts Permitting Payments For the St. Marys Diversion Charges, to be Made in Forty Years, and to Allow Deduction of Non-Productive Land.

To the Honorable Senate and House of Representatives in the Congress of the United States of America:

Your Memorialists, the members of the Twenty-first Legislative Assembly, of the State of Montana, the Senate and House concurring, respectfully represent:

HeinOnline -- 1929 482 1929

THAT WHEREAS, the Honorable Secretary of the Interior, has advised the several Irrigation Districts in the upper Milk River Valley, in Montana, that unless they sign a contract agreeing to pay for the St. Marys Diversion and Storage charges, in twenty years, at fifteen ($15.00) dollars per acre, they will not be permitted to use the waters from St. Marys storage system during the year 1929;

AND WHEREAS, the said land owners in the upper Milk River Valley, originally held valuable priority rights to the waters of the Milk River, while land owners in the lower Milk River Valley had no such rights;

AND WHEREAS, as a part of the inducement to encourage the diversion of such St. Marys River into the Milk River, the said upper Valley land owners consented to waive their priority water rights, when the St. Marys water should be turned in, and assume an equal responsibility with the lower Milk River land owners, for payment of charges for the St. Marys diversion works;

AND WHEREAS, by an Act of Congress, approved May 25, 1926, known as the "Adjustment Act" 39,900 acres of land were relieved of payment for storage and diversion charges, by reason of temporary non-productivity of the soil, and 1770 acres more were relieved of storage and diversion charges by reason of permanent non-productivity of the soil;

AND WHEREAS, in conformity with the provisions of said Act of Congress, Irrigation Districts in the Lower Milk River unit, have been permitted to enter into contracts with the Honorable Secretary of the Interior, relieving them from payments on 29,930 acres, as temporarily nonproductive, and 1,770 acres as permanently nonproductive, and providing for payment of storage and diversion charges during a period of Forty Years;

AND WHEREAS, by proposed contracts of the Department of the Interior, Irrigation Districts in the upper Milk River unit, are denied deductions of nonproductive land, amounting to 3,000 acres, allowed by said Act of Congress, and are required to make payment in Twenty Years.

BE IT RESOLVED, that it is the sense of this Twenty-first Legislative Assembly of the State of Montana, that the Congress of the United States, enact such legislation as will permit the Irrigation Districts in the upper Milk River Unit, to enter into contracts, on equal terms of payment, with those permitted in the lower Milk River Districts, and provide therein for a deduction of 3,000 acres of nonproductive land, as allowed by Act of Congress;

AND BE IT FURTHER RESOLVED, that a copy of this memorial be forwarded to the Senate and House of Representatives of

HeinOnline -- 1929 483 1929

the United States, Secretary of the Interior, and to each of the Senators and Representatives of the State of Montana, in Congress.

Approved February 12, 1929.

SENATE JOINT MEMORIAL NO. 2.

A Resolution Memorializing Congress for the Passage of Necessary Legislation Providing for an Increase of the Tariff on Manganese and Related Ores.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, during the period following the World War great strides have been made in the development of manganese ore and concentrates and it appearing that the following features of the manganese industry commended it to tariff consideration, to-wit:

1. Importance of the industry from the standpoint of military preparedness.
2. Desirability of the domestic supplies to insure commercial self-sufficiency.
3. Abundant natural resources in the form of low grade ore reserves.
4. Possibilities of developing larger supplies of high grade ores.
5. New processes developed for the economical utilization of available resources of both high and low grade material.
6. Definite progress made by virtue of moderate tariff protection during the past six years.
7. Assurance that adequate tariff would enable substantial proportion of domestic requirements to be obtained from domestic mines.

and,

WHEREAS, it appears that increased tariff protection is necessary to protect and further the development of mineral lands producing manganese or related ores and especially the lower grade of such ores, and it further appearing that during the past few years and largely during the last three years under tariff protection many processes have been discovered and developed to a commercial stage for the treating, refining and preparation of said ores including what is known as the Bradley Process, Leaching Processes, Flotation of Carbonate ores, Magnetic Concentration of Oxide Ores and Magnetic Concentration of Carbonate ores, Calcining and Nodulizing processes, and at the present time, extensive research and labora-

HeinOnline -- 1929 484 1929

tory efforts are now being made looking to the commercial treatment and handling of lower grade manganese and related ores; and

WHEREAS, large sums of capital are necessary to the development of the manganese industry in general and further tariff protection appearing absolutely essential and vital to the further development of said industry but with adequate protection definitely assured the necessary money appears available and American brains can and will do the rest; and

WHEREAS, it appearing that the manganese industry needs tariff protection in order to survive and it cannot develop untouched resources unless such protection is substantial. It appearing from submitted facts that Russian and other imports can and will jeopardize and possibly destroy American production of manganese and related ores and contents and further that the present tariff rate upon such ores is wholly inadequate to afford proper protection and encourage further development and research:

NOW, THEREFORE, BE IT RESOLVED by the Legislative Assembly of the State of Montana that we do hereby petition the Congress of the United States for the passage of necessary legislation enacting a tariff schedule upon manganese ore or concentrates of all kinds according to the schedule hereinafter set forth as a minimum and that Paragraph 302 of the present law now in force and effect, known as the Fordney-McCumber Act, be amended to read as follows:

> "Manganese ore or concentrates of all kinds, containing less than 10 per centum of metallic manganese, shall be admitted free of duty; containing 10 per centum or more of metallic manganese and less than 20 per centum, one half of 1 cent per pound on the metallic manganese contained therein; containing 20 per centum or more of metallic manganese and less than 25 per centum, 1 cent per pound on the metallic manganese contained therein; containing 25 per centum of metallic manganese, or more, 1½ cents per pound on metallic manganese contained therein,"

and that such schedule be and become immediately effective and operative upon enactment and approval:

BE IT FURTHER RESOLVED, that a copy of this memorial be transmitted by the Secretary of State of the State of Montana to both houses of the National Congress and to the Senators and Representatives in Congress from the State of Montana, also to the Ways and Means Committee of the National Congress and to the Tariff Commission thereof, with the request that they, and each of them, exert every effort within their power to bring about the enactment of such tariff legislation.

Approved February 11, 1929.

HeinOnline -- 1929 485 1929

SENATE JOINT MEMORIAL NO. 4.

A Memorial to the Honorable Secretary of Agriculture of the United States Advocating the Establishment and Promulgation of Grades and Standards of Wheat Which Shall Take Into Account its Protein Content.

To the Honorable Secretary of Agriculture of the United States:

Your Memorialists, the Twenty-first Legislative Assembly of the State of Montana respectfully represent that;

WHEREAS, the protein content of wheat is an important factor in determining its quality; and

WHEREAS, the present grades and standards of wheat, as fixed by your Honorable Secretary, are established without regard to said protein content; and

WHEREAS, your Memorialists believe that this important quality-determining factor should be taken into consideration as an element entering into the establishment of grades of wheat; that if grades and standards are established giving due regard to the quality of the wheat as determined by its protein content such action will promote a more uniform market for wheat throughout the United States; will enable the producer thereof to obtain and the purchaser to pay the true value thereof; will eliminate the competition between millers that now arises by virtue of the fact that millers in some parts of the country refuse to pay a price for wheat that is based upon its milling quality as determined by its protein content, while in other parts of the country the millers pay a premium above the regular market price for high protein wheat, and that this difference in price is reflected in the prices of flour quoted to purchasers thereof, to the disadvantage of the miller paying the said premium; that the establishment of such grades and standards would prevent territorial discrimination in the prices paid producers of wheat, and would promote the raising of a better quality of wheat, facilitate the handling thereof and tend to establish uniform prices therefor.

THEREFORE, BE IT RESOLVED by the Twenty-first Legislative Assembly of the State of Montana that we do hereby memorialize the Honorable Secretary of Agriculture of the United States that he establish and promulgate grades and standards of wheat, which said grades and standards shall take into account the protein content of the wheat; and

BE IT FURTHER RESOLVED that a copy of this Memorial be forwarded to the Honorable Secretary of Agriculture of the United States, and to each of the Senators and Representatives in Congress from Montana.

Approved February 19, 1929.

HeinOnline -- 1929 486 1929

SENATE JOINT MEMORIAL NO. 5

A Resolution Memorializing Congress for the Passage of Necessary Legislation Providing for an Increase of the Tariff on Plumbago, Graphite and Graphite Ores.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, during the period of the World War great strides were made in the development of graphite and graphite ores, and it appearing that the following features of the graphite industry commended it to tariff consideration, to-wit:

1. Importance of the industry from the standpoint of military preparedness.
2. Desirability of the domestic supplies to insure commercial self-sufficiency.
3. Abundant natural resources of ore reserves.
4. Possibilities of developing larger supplies of high grade ores.
5. Definite progress made by virtue of moderate tariff protection during the past six years.
6. Assurance that adequate tariff, would enable substantial proportion and perhaps all of domestic requirements to be obtained from domestic mines;

and

WHEREAS, it appears that increased tariff protection is necessary to protect and further the development of mineral lands producing graphite and graphite ores; and it further appearing that during the past few years under tariff protection, many processes have been discovered and developed to a commercial stage for the treating, refining and preparation of said ores; and

WHEREAS, large sums of capital are necessary to the development of the graphite industry in general, and further tariff protection appearing absolutely essential and vital to the further development of said industry; and with adequate protection definitely assured, the necessary money appears available, and

WHEREAS, it appearing that the graphite industry needs tariff protection in order to survive, and it cannot develop untouched resources unless such protection is substantial. It appearing from submitted facts, that Ceylon plumbago and Madagascar flake graphite imports do, and will jeopardize, and possibly destroy American production of graphite, and further that the present tariff rate upon such minerals, is wholly inadequate to afford proper protection, and encourage future development and research;

HeinOnline -- 1929 487 1929

NOW, THEREFOR, BE IT RESOLVED by the Legislative Assembly of the State of Montana, that we do hereby petition the Congress of the United States, for the passage of necessary legislation, enacting a tariff schedule, upon graphite of all kinds, according to the schedule hereinafter set forth as a minimum; and that Paragraph 213 of the present law, now in force and effect, known as the Fordney-McCumber Act, be amended to read as follows:

> "Graphite or plumbago, crude or refined; amorphous, ½ cent per pound; crystalline graphite or plumbago; lump, chip or dust, 4 cents per pound; crystalline flake, 3 cents per pound. As used in this paragraph, the term "Crystalline flake" means graphite or plumbago, which occurs disseminated as a relatively thin flake throughout its containing rock, decomposed or not, and which may be, or has been, separated therefrom by ordinary crushing, pulverizing, screening or mechanical concentration process; such flake being made up of a number of parallel laminae, which may be separated by mechanical means,"

and that such schedule be and become immediately effective and operative upon enactment and approval:

BE IT FURTHER RESOLVED that a copy of this memorial be transmitted by the Secretary of State of the State of Montana, to both houses of the National Congress, and to the Senators and Representatives in Congress from the State of Montana, also to the Ways and Means Committee of the National Congress, and to the Tariff Commission thereof, with the request that they, and each of them, exert every effort within their power, to bring about the enactment of such tariff legislation.

Approved February 19, 1929.

SENATE JOINT MEMORIAL NO. 6.

A Resolution Memorializing the Senate of the United States for Early Passage of the Special Resolution by Senator Capper Directing the Senate Interstate Commerce Committee to Take Immediate Action Relative to the Special Export Rates on Grain.

To the Honorable Senate of the United States:

WHEREAS, the question of export grain rates is of paramount importance to Farm Relief organizations, and

WHEREAS, the American price of wheat is theoretically based upon the surplus, minus the transportation charge which results in discrimination against the American producer because of the fact that the Canadian transportation rate is lower than that of the United States, and

HeinOnline -- 1929 488 1929

WHEREAS, The Interstate Commerce Commission has heretofore failed to take any action that might remedy this condition in spite of the fact that our agricultural interests have proved that a period of depression in this basic industry exists and has become a matter of serious economic importance.

NOW, THEREFORE, BE IT RESOLVED by the Legislative Assembly of the State of Montana that we do hereby petition the Senate of the United States to take early action upon the special resolution of Senator Capper to the end that the Senate Committee on Interstate Commerce will give speedy relief to the American grain growers by the adjustment and establishment of reasonable export grain rates which will meet the competition of the Canadian rates.

BE IT FURTHER RESOLVED, that a copy of this memorial be transmitted by the Secretary of State of the State of Montana to the Honorable Senate of the United States and to the Senators from the State of Montana with the request that they exert every effort within their power to bring about the relief herein expressly desired.

Approved February 19, 1929.

SENATE JOINT MEMORIAL NO. 7.

A Resolution Memorializing the Congress of the United States Requesting the Passage of Necessary Legislation Providing for an Increase of the Tariff on Flaxseed and Flaxseed Products.

To the Honorable Senate and House of Representatives in the Congress of the United States:

Your Memorialists, the members of the Twenty-first Legislative Assembly of the State of Montana respectfully request:

THAT WHEREAS, Flax is one of the important crops of our Northwestern States and is grown quite generally in Montana and to the extent of its planting tends to replace a similar acreage of wheat of which a greater acreage is now planted than is to the best interests of the producers and,

WHEREAS, this country does not now produce a surplus of flaxseed, an increased tariff on this commodity should immediately result in a larger acreage being planted and an improvement in price to the producer together with a measure of relief to the wheat growing situation.

NOW THEREFORE BE IT RESOLVED, that it is the sense of this Twenty-first Legislative Assembly of the State of Montana that the Congress of the United States place a duty on Flaxseed of one

HeinOnline -- 1929 489 1929

and one-half cents per pound in lieu of the present rate of forty cents per bushel of fifty-six pounds and also a proportionate duty upon Flaxseed products.

AND BE IT FURTHER RESOLVED that a copy of this Memorial be transmitted by the Secretary of State for Montana to the Senate and House of Representatives of the United States, to each of the Senators and Representatives of the State of Montana in Congress, also to the Tariff Commission and the Ways and Means Committee of the National Congress with the request that they and each of them exert every effort within their power to bring about the enactment of the tariff legislation herein expressed.

Approved February 22, 1929.

SENATE JOINT MEMORIAL NO. 8.

Memorial to the Congress of the United States of America Directing Attention to the Great Need for Authorizing the Appropriation of Adequate Monies for the Construction and Maintenance of Fire Lanes, Telephone Lines, Roads and Trails and Other Improvements Necessary for the Prevention of Fires on the Forested Areas of Montana,—and for the Construction of Stock Driveways, Stock Watering Places and Other Similar Improvements Desirable for Range Management.

To the Honorable Senate and House of Representatives of the United States of America:

Your Memorialists, the members of the Twenty-first Legislative Assembly of the State of Montana, the Senate and House concurring respectfully represent that:

WHEREAS, the protection of the large quantity of growing timber on the lands of the United States lying within the State of Montana is of great importance to the people of the State because of its economic value, and

WHEREAS, forest fires destroy more timber crops than any other destructive agency, and

WHEREAS, the immediate construction of adequate fire lanes, telephone lines, lookout houses, trails and other improvements is necessary on such timbered areas for effective control and suppression of forest fires, and

WHEREAS, great benefit will accrue to the livestock industry of the state by the construction upon the grazing lands within the National Forests, of adequate stock driveways, drifts and division

HeinOnline -- 1929 490 1929

fences, corrals, bridges, stock-watering places, and the extermination of predatory animals and the eradication of poisonous plants, and

WHEREAS, House Bill No. 16078, introduced on January 9, 1929, in the 70th Congress, by Representative Englebright, authorizes to be appropriated for the aforesaid purposes $4,500,000 for the fiscal year 1931; $4,500,000 for the fiscal year 1932; $4,200,000 for the fiscal year 1933; and $4,000,000 for each subsequent fiscal year thereafter, therefore

BE IT RESOLVED, by the Twenty-first Legislative Assembly of Montana that the Congress of the United States is hereby respectfully urged to make the appropriations specified above and for the purposes herein set forth.

BE IT FURTHER RESOLVED, that a copy of this memorial be sent to the Chairman of the Committee on Appropriations, the Speaker of the House of Representatives, the President of the Senate of the United States and to each of the Congressmen and Senators representing the State of Montana in Congress.

Approved February 27, 1929.

SENATE JOINT RESOLUTION NO. 1.

WHEREAS exclusive jurisdiction was ceded to the United States over and within all territory included in, or thereafter to be included in, that tract of land in the State of Montana, set aside by an Act of Congress, approved May 11, 1910, for the purposes of a National Park, to be known as Glacier National Park, and

WHEREAS exclusive jurisdiction over said territory was ceded to the United States reserving to the State of Montana, the right to tax persons and corporations, their franchises and property, included in said tract, and

WHEREAS the said Glacier National Park, at the time it was so ceded to the Government of the United States, included within its boundaries, the homes of many of the citizens of the State of Montana, and their property, by means of which said citizens obtain their livelihood, and

WHEREAS it, the said Glacier National Park, contains property from which revenue is now being obtained by the State of Montana, and by several of its counties, and

WHEREAS the said Glacier National Park was established and jurisdiction thereof accepted by the Government of the United

HeinOnline -- 1929 491 1929

States, with full knowledge of such conditions, such property rights and such rights of the State of Montana, and its several counties, to obtain taxation revenue therefrom, and

WHEREAS it has come to the attention of the Legislative Assembly of the State of Montana, that there has been introduced in the National Congress, a bill for an Act, the purpose of which is to provide for the taking of such property, by eminent domain, by the appropriate arm of the Government of the United States, and

WHEREAS the loss by the citizens of the State of Montana of their homes above described, and the loss of the property by means of which such citizens obtain their livelihood, and the loss of such right of taxation, above set forth, to the State of Montana, and its several counties, cannot be compensated by payment of the value of such property;

NOW THEREFORE, be it resolved by the Legislative Assembly of the State of Montana that; we do respectfully protest against the enactment of such a law, by the National Congress, in that its enactment would enable agents of the Government of the United States, to perpetrate a breach of faith on the part of such Government, with the State of Montana, and with individual citizens thereof; and direct that copies of this Resolution be forwarded by the Secretary of State, to the President of the United States, and to the Representatives and Senators of the State of Montana, in Congress.

Approved February 12, 1929.

SENATE JOINT RESOLUTION NO. 2.

A Resolution Concerning a Uniform Law for High Schools in the State of Montana and Asking for a High School Survey Commission to be Appointed by the State Board of Education.

WHEREAS it has come to the attention of the legislature that the high school laws of the state are poorly constructed, out-of-date, burdened with amendments and conflicting in their interpretation,

AND WHEREAS the state has various classes of high schools organized under different laws with little uniformity in management, courses of instruction, method of support, levies and bond issues.

AND WHEREAS there is an ever increasing number of young people demanding high school training with corresponding demand for additional accommodations, and facilities for instruction, with a very large increase in expenditures from the public funds, and it

HeinOnline -- 1929 492 1929

appears that money has been diverted from the elementary schools to the high schools to keep up this increasing demand thus lowering the efficiency of the elementary schools,

AND WHEREAS one of the insistent tendencies in education is in the direction of junior high school and junior college courses, and the present laws appear not to fully provide for such new type of courses,

AND WHEREAS at this twenty-first session of the legislature there has come from practically every county of the state urgent demands for relief from conditions existing under the present laws for high schools, and it is found impossible to satisfy these demands by amendment to the present laws,

AND WHEREAS the enactment of a uniform high school law, which will meet present day educational demands in the state. is imperative.

THEREFORE, be it resolved that by the Senate of the State of Montana and the House of Representatives concurring that we request the State Board of Education to select a commission of five persons to be known as the Montana High School Survey Commission, who shall be directed to make a survey of the high school situation in the State and recommend to the State Board of Education a uniform high school law for the state. Upon approval of said proposed law by the State Board of Education it shall refer the same to the twenty-second legislative session for action.

Approved March 5, 1929.

HeinOnline -- 1929 493 1929

CHANGES OF NAMES REPORTED IN 1927 AND 1928.

Date of Judgment	Original Name	Name Decreed	Residence
Jan. 29, 1927	Theodore J. Flygare	Theodore J. Mentrum	Anaconda, Mont.
Dec. 24, 1927	Andrew Daniel Shiskowsky	Andrew D. Miller	Baker, Mont.
Aug. 6, 1928	William Malliaris	William Maller	Helena, Mont.

HeinOnline -- 1929 494 1929

APPENDIX

HeinOnline -- 1929 495 1929

HeinOnline -- 1929 496 1929

APPENDIX

The following Amendment to the Constitution was adopted by vote of the people at the General Election held November 6, 1928:

CHAPTER 72.

An Act Providing for the Submission to the Qualified Electors of the State of Montana of An Amendment to Section 4 of Article XVI of the Constitution of Montana, Relating to County Commissioners; Providing for the Division of Counties Into Commissioners Districts; Providing for the Election of One Commissioner From Each of Said Commissioners Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There shall be submitted to the qualified electors of the State of Montana at the next general election to be held in said State, the following amendment to Section Four of Article XVI of the Constitution of the State of Montana relating to County Commissioners.

That Section four of Article XVI of the Constitution of the State of Montana, be amended so as to read as follows:

"Section 4 (of Article XVI). In each county there shall be elected three County Commissioners, whose term of office shall be six years; provided that each county in the State of Montana shall be divided into three Commissioner Districts, to be designated as Commissioner Districts, numbers one, two and three, respectively.

"The Board of County Commissioners shall in every county in the State of Montana; at their regular session, on the first Monday in May, 1929, or as soon thereafter as convenient or possible, not exceeding sixty days thereafter, meet and by and under the direction of the District Court Judge or Judges of said county, divide their respective counties into three Commissioner Districts as compact and equal in population and area as possible, and number them respectively, one, two and three, and when such division has been made, there shall be filed in the office of the County Clerk and Recorder of such county, a certificate designating the metes and bounds of the boundary lines and limits of each of said Commissioners Districts, which certificate shall be signed by said Judge or Judges; provided, also that at the first regular session of any

HeinOnline -- 1929 497 1929

newly organized and created county, the said Board of County Commissioners, by and under the direction of the District Court Judge or Judges of said county, shall divide such new county into Commissioner Districts as herein provided.

"Upon such division, the Board of County Commissioners shall assign its members to such districts in the following manner; each member of the said Board then in service shall be assigned to the district in which he is residing or the nearest thereto; the senior member of the Board in service to be assigned to the Commissioner District No. 1, the next member in seniority to be assigned to Commissioner District No. 2, and the junior member of the board to be assigned to Commissioner District No. 3; provided, that at the first general election of any newly created and organized county, the commissioner for District No. 1, shall be elected for two years, for No. 2, for four years, and for No. 3, for six years, and biennially thereafter there shall be one Commissioner elected to take the place of the retiring Commissioner, who shall hold his office for six years.

"That the Board of County Commissioners by and under the direction of the District Court Judge or Judges of said County, for the purpose of equalizing in population and area such Commissioner Districts, may change the boundaries of any or all of the Commissioner Districts in their respective county, by filing in the office of the County Clerk and Recorder of such county, a certificate signed by said Judge or Judges designating by metes and bounds the boundary lines of each of said Commissioner Districts as changed, and such change in any or all the districts in such county, shall become effective from and after filing of such certificate; provided, however, that the boundaries of no Commissioner District shall at any time be changed in such a manner as to affect the term of office of any County Commissioner who has been elected, and whose term of office has not expired; and provided, further, that no change in the boundaries of any Commissioner District shall be made within six months next preceding a general election.

"At the general election to be held in 1930, and thereafter at each general election, the member or members of the Board to be elected, shall be selected from the residents and electors of the district or districts in which the vacancy occurs, but the election of such member or members of the Board shall be submitted to the entire electorate of the county, provided, however, that no one shall be elected as a member of said board, who has not resided in said district for at least two years next preceding the time when he shall become a candidate for said office.

"When a vacancy occurs in the Board of County Commissioners the Judge or Judges of the Judicial District in which the vacancy occurs, shall appoint someone residing in such Commissioner Dis-

HeinOnline -- 1929 498 1929

trict where the vacancy occurs, to fill the office until the next general election when a Commissioner shall be elected to fill the unexpired term."

Section 2. The vote upon this amendment shall be counted and canvassed by such officials and in such manner as is provided by law for the counting and canvassing of the votes for members of Congress and if a majority of all votes cast at said election for and against said amendment shall be in favor of the amendment, the Governor of the State shall immediately so declare by public proclamation, and said amendment shall be in full force and effect as a part of the Constitution from and after the date of said proclamation.

Section 3. Separate official ballots shall be used at the general election to be held in November 1928, which shall have printed thereon the words:

☐ For the amendment to the Constitution relating to County Commissioner Districts.

☐ Against the amendment to the Constitution relating to Commissioner Districts.

And the elector shall designate his preference for either of the propositions by making an (X) before the proposition desired.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1927.

Note: Governor's Proclamation covering this measure was issued December 8, 1928.

HeinOnline -- 1929 499 1929

HeinOnline -- 1929 500 1929

INDEX

HeinOnline -- 1929 501 1929

HeinOnline -- 1929 502 1929

INDEX

APPROPRIATIONS

EXECUTIVE DEPARTMENT

	Sec.	Page
ACCOUNTANT, STATE		
Salaries, supplies, traveling and other operating expenses		426, 439
ADJUTANT GENERAL		
Capital, repairs and replacements		429, 432
Other operating expenses		429, 432
Salary of Adjutant General		429, 432
Salaries of other employees		429, 432
AGRICULTURE, LABOR AND INDUSTRY, DEPARTMENT OF		
Capital, repairs and replacements		468, 470
Other operating expenses		468, 470
Salaries		467, 469
Divisions		
Apicultural Div., operating expenses		468, 470
Dairy Div., operating expenses		468, 470
Grain grading and scale testing		468, 470
Horticultural Div., operating expenses		468, 470
Labor, Real Estate and Publicity, salaries		468, 470
Montana State Fair		
live stock show barn		187
maintenance and operation		469, 471
salaries, premiums and expenses		469, 471
state fair revolving fund		468, 471
Poultry Show Div., operating expenses		468, 470
ATTORNEY GENERAL		
Capital, repairs and replacements		446, 449
Farm Loan Dept., salaries and other operating expenses		446, 449
Other operating expenses		446, 449
Re-allocation of funds		146
Salaries		446, 449
AUDITOR, STATE		
Capital, repairs and replacements		447, 450
Other operating expenses		447, 450
Salaries		447, 450
Deficiencies		
operating expenses		453
salaries		453
Fire Marshals Department		
moneys accrued to Fire Marshal Fund		421
Insurance Department		
Firemens Disability Fund		447, 451
operating expenses		447, 451
salaries		447, 451
Investment Department		
expenses		447, 451
BANK EXAMINER, STATE		
Capital, repairs and replacements		435, 438
Operating expenses		435, 438
Salaries		434, 438
Re-allocation of Funds		146
BOARD OF CHARITIES AND REFORMS		
Per diem and expenses		435, 438
BOARD OF EDUCATION		
Expenses		427, 430
Salary of clerk of Equalization Board		427, 430

HeinOnline -- 1929 503 1929

APPROPRIATIONS—Continued

	Sec.	Page
BOARD OF ENTOMOLOGY, STATE		
Capital, repairs and replacements		417, 419
Operating expenses		417, 419
Salaries		417, 419
Wood-tick parasite work		417, 419
Entomologist, State		
operating expenses		418, 420
repairs and replacements		418, 420
salary		418, 420
BOARD OF EQUALIZATION, STATE		
Capital, repairs and replacements		434, 438
Other operating expenses		434, 438
Printing and binding		434, 438
Salaries		434, 437
Gasoline License Tax		
capital, repairs and replacements		458, 458
other operating expenses		458, 458
salaries		457, 459
Re-allocation of Funds		146
BOARD OF EXAMINERS, STATE		
Capital, repairs and replacements		435, 438
Other operating expenses		435, 438
Salaries		435, 438
Re-allocation of funds		146
BOARD OF HAIL INSURANCE, STATE		
Salaries, expenses and claims		420, 421
BOARD OF HEALTH, STATE		
Capital, repairs and replacements		418, 419
Fees and earnings also appropriated		418, 419
Other operating expenses		418, 419
Salaries		417, 419
BUDGET OFFICE		
Capital, repairs and replacements		436, 439
Other operating expenses		436, 439
Salaries		436, 439
Re-allocation of funds		146
CAPITOL BUILDING		
Deficiencies, salaries, repairs and other operating expenses		453, 454
Other operating expenses		426, 430
Repairs and replacements		426, 429
Salary of Custodian		426, 429
Salaries of others		426, 429
Salaries of Postmaster and clerk		426, 429
CHILD AND ANIMAL PROTECTION		
Capital, repairs and replacements		434, 437
Other operating expenses		434, 437
Salaries		434, 437
CHILD WELFARE WORK		
From Board of Health Revolving Fund		418
Welfare work for children and mothers		418
COAL MINE INSPECTOR		
Per diem and expenses of Board		433
CONSOLIDATED BOARDS		
Deficiency claim; advertising		405
ENGINEER, STATE		
Capital, repairs and replacements		428, 431
Other operating expenses		428, 431
Salary of employees		428, 431
Salary of engineer		428, 431
Stream gauging		428, 431
Cary Land Act Fund		
operating expenses		428, 431
salary of assistant secretary		428, 431

HeinOnline -- 1929 504 1929

APPROPRIATIONS—Continued

	Sec.	Page
FISH AND GAME COMMISSION		
All money accruing to Fish and Game and Biological Funds		421
FORESTER, STATE		
Capital, repairs and replacements		433, 436
Exchange of lands		433, 436
Fire suppression		407
Operating expenses		433, 436
Protection of state lands		433, 436
Salary of employees		433, 436
Salary of Forester		433, 436
Timber sale expenses		433, 436
GOVERNOR		
Capital, repairs and replacements		445, 448
Operating and maintaining office		445, 448
Operating and maintaining mansion		445, 448
Requisitions		445, 448
Salary of Governor		445, 448
Salary of Acting Governor		445, 448
Salary of stenographer		445, 448
Salary of Secretary		445, 448
GRAND ARMY CUSTODIAN, STATE		
Salary of custodian		427, 430
HISTORICAL SOCIETY		
Capital, repairs and replacements		428, 431
Other operating expenses		428, 431
Salary of librarian		428, 431
Salary of others		428, 431
HIGHWAY COMMISSION, STATE		
For following two years expenditures		456
INDUSTRIAL ACCIDENT BOARD, STATE		
Deficiencies		409, 411
Salaries and expenses		417, 419
LAND OFFICE, STATE		
Capital, repairs and replacements		435, 439
Other operating expenses		436, 439
Deficiency claims		410
Publications		436, 439
Salaries		435, 439
LAND AGENT, STATE		
Operating expenses		436, 439
Salaries		436, 439
LIVE STOCK COMMISSION, STATE		
Capital, repairs and replacements		414, 415
Claims from Bounty Fund		413, 414
Emergencies, from Emergency Fund		414, 415
Estray claims from Estray Fund		413, 414
Other operating expenses		414, 415
Salary of Clerk, from Bounty Fund		413, 414
Salaries of Live Stock Sanitary Board		414, 415
Salaries and Expenses of Commission		413, 414
Salaries and expenses to be paid from Live Stock Commission Fund		413, 414
Slaughtered stock		414, 415
PUBLIC SERVICE COMMISSION		
Operating expenses		464, 466
Salaries		464, 466
Oil and Gas Division		
operating expenses		465, 466
salaries		464, 466
Motor Vehicle Division		
operating expenses		465, 466
salaries		465, 467

HeinOnline -- 1929 505 1929

APPROPRIATIONS—Continued

	Sec.	Page
PURCHASING AGENT, STATE		
Capital, repairs and replacements		428, 431
Other operating expenses		428, 431
Salary of accountant		427, 430
Salary of assistant agent		427, 430
Salaries of clerks and stenographers		427, 430
Salary of highway man		428, 431
Salary of Purchasing Agent		427, 430
RAILROAD COMMISSION		
Capital, repairs and replacements		464, 465
Deficiency		410
Other operating expenses		464, 465
Salaries		464, 465
REGISTRAR OF MOTOR VEHICLES		
All money in the Motor Vehicle and Auto Theft Funds		421
SECRETARY OF STATE		
Capital, repairs and replacements		448, 452
Deficiencies, salaries and other operating expenses		453
Election expenses		452
Other operating expenses		448, 452
Salaries		448, 452
SUPERINTENDENT OF PUBLIC INSTRUCTION, STATE		
Capital, repairs and replacements		448, 451
Other expenses		448, 451
Salaries		448, 451
Salaries of inspectors		448, 451
TEXT BOOK COMMISSION		
Expenses of Commission		426
TREASURER, STATE		
Capital, repairs and replacements		446, 450
Other operating expenses		446, 450
Printing Treasurer's report		446, 450
Salaries		446, 450

JUDICIAL DEPARTMENT

COUNTY ATTORNEYS		
Salaries		425, 425
DISTRICT COURTS		
Salaries of judges		**424, 425**
Traveling expenses of judges		424, 425
DISTRICT JUDGES		
Deficiency expenses		410
STATE LAW LIBRARY		
Capital, repairs and replacements		429, 432
Other operating expenses		429, 432
Salaries of librarian and clerk		429, 432
SUPREME COURT		
Capital, repairs and replacements		424, 425
Other operating expenses		424, 425
Reporting Montana decisions		424, 425
Salary of clerk		424, 425
Salary of court reporter		424, 425
Salaries of Justices		424, 425
Salary of marshal		424, 425
Salaries of others		424, 425
TRANSPORTATION OF PRISONERS (see also Misc. Appro.)		
Transportation of prisoners		425, 425

HeinOnline -- 1929 506 1929

APPROPRIATIONS—Continued

LEGISLATIVE DEPARTMENT

TWENTY-FIRST LEGISLATIVE ASSEMBLY	Sec.	Page
Mileage and per diem of members		401
Per diem of officers and attaches		401, 472

STATE INSTITUTIONS

AGRICULTURAL EXPERIMENTAL STATIONS AND SUB-STATIONS		
Farmers' extension, co-operation with Federal Government		422, 423
Salaries and expenses, Ft. Keogh Livestock branch station		422, 423
Salaries and expenses of Grain Laboratory		422, 423
Salaries and expenses, Home Station at Bozeman		422, 423
Salaries and expenses, Horticultural branch station		422, 423
Salaries and expenses, Huntley branch station		422, 423
Salaries and expenses, Judith Basin branch station		422, 423
Salaries and expenses, Northern Montana branch station		422, 423
Salaries and expenses, summer school Northern Montana Agricultural and Manual Training		422, 423
Soil surveys and maps		422, 423
DEAF AND BLIND SCHOOL		
Capital, repairs and replacements		442, 444
Other operating expenses		442, 444
Re-allocation of funds		147
Salaries		442, 444
GREATER UNIVERSITY OF MONTANA		
Agricultural college		
assessments due Industrial Accident Board		404
deficiency		410
Eastern Montana Normal School		
salaries and other expenses		460, 461
Normal College		
deficiency		410
Northern Montana Agricultural and Manual training		
salaries, equipment and other expenses		460, 461
Regional Summer School, Miles City		
operation and maintenance		460, 461
Students fare		460, 461
From Tax Levy		
College of Agriculture and Mechanical Arts, salaries, repairs and expenses		459, 460
Normal College, salaries, expenses and repairs		459, 461
School of Mines, salaries and expenses		459, 461
salaries and expenses of Bureau of Mines and Geology		459, 461
University, State, salaries, repairs and other expenses		459, 460
INDUSTRIAL SCHOOL		
Additional land		441
Capital, repairs and replacements		441, 443
Deficiency		454
Other operating expenses		441, 443
Salaries		441, 443
INSANE ASYLUM		
Additional heating plant		416
Building for housing criminal insane		416
Furnishing and equipping house		416
Capital, repairs and replacements		442, 444
Other operating expenses		442, 444
Re-allocation of funds		146
Salaries		442, 444
INSURANCE OF STATE OWNED BUILDINGS		457
NORMAL TRAINING IN HIGH SCHOOLS		
Reimbursements due high schools		448, 452

HeinOnline -- 1929 507 1929

APPROPRIATIONS—Continued

	Sec.	Page
ORPHANS, HOME		
Capital, repairs and replacements		441, 444
Other operating expenses		442, 444
Re-allocation of funds		147
Salaries		441, 443
ORTHOPEDIC COMMISSION		
Salaries and per diem		417, 419
PENITENTIARY		
Capital, repairs and replacements		440, 442
Other operating expenses		440, 443
Salaries		440, 442
SOLDIERS' HOME		
Capital, repairs and replacements		442, 444
Other operating expenses		442, 444
Salaries		442, 444
Re-allocation of funds		147
Repairs and replacements		416
TUBERCULOSIS SANITARIUM		
Capital, repairs and replacements		441, 443
Other operating expenses		441, 443
Salaries		441, 443
VETERANS' WELFARE COMMISSION		
Operation and maintenance		417, 418
VOCATIONAL SCHOOL FOR GIRLS		
Capital, repairs and replacements		462, 463
Deficiency, operation and maintenance		471
Other operating expenses		462, 463
Salaries		462, 463

MISCELLANEOUS APPROPRIATIONS

BRISCOE, ANDY	
Artificial limb	402
CHRISTIAN MOELLER, heirs of	
Escheated estate	412
CUSTER COUNTY HIGH SCHOOL	
High school training	403
GARFIELD COUNTY	
Excess collection of taxes	411
GASOLINE TAX REFUND	
Refunds and drawbacks	472
NATIONAL ELECTRIC COMPANY	
Labor and materials furnished School of Mines	455
PIGGLY WIGGLY MONTANA COMPANY	
Refund of corporation license tax	455
PRESIDENTIAL ELECTORS	
Mileage and per diem	403
INHERITANCE TAX	
Refund of excess collection	405
SMITH, CATHARINE CROSSLAND	
Expenditure by Governor Smith	411
TRANSPORTATION OF PRISONERS	
Deficiency	408, 409
Deficiency for payment of claims	453
Transportation of prisoners	425, 425
VALLEY COUNTY	
Deficiency, transportation of prisoners	454

HeinOnline -- 1929 508 1929

APPROPRIATIONS—Continued

	Sec.	Page
VOCATIONAL EDUCATION		
Salaries, supplies and operating expenses		427
VOCATIONAL REHABILITATION		
Salaries and expenses		427, 430

INDEX TO TEXT

ACTIONS

To procure tax deed, see Index "Taxation"

AERONAUTICS		
Act cited how	9	27
Aircraft defined	1	25
Aircrafts to conform to what standards	2	25
Airman defined	1	25
Airports		
appointment of Board to manage and equip	3	213
authority of counties, cities and towns to acquire	1	213
construction of act	6	214
improvement and equipment	3	213
indebtedness for, when incurred	4	214
prior indebtedness for, validated when	5	214
public use	2	213
rules, regulations, fees and charges	3	213
tax levy	4	214
Air space, sovereignty of, rests in whom	5	26
Flight in air, lawful when	7	26
Interpretation of act	9	27
Landing on land or water without owners consent	7	26
License to be kept and displayed by licensee	4	26
Ownership of space vested in whom	6	26
Penalty for violating act	8	27
Qualifications of operator of craft	3	26
Unlawful to operate, when	2	25
Unlawful to operate without a license	3	26
Upper air space subject to what	6	26
AGRICULTURAL SEEDS		
Attorney General and prosecuting attorney, duty	3	219
Label on container, contents	1	216
Mixtures, labels required	Sub. 8	218
Penalty for violation of act	2	218
Prosecution, instituting and procedure	2	218
APPEALS TO SUPREME COURT		
Records and papers to be used	9745	141
ARTIFICIAL LAKE OR POND		
See "Fish and Game"		
ATHLETIC FIELDS AND CIVIC STADIUMS		
Power of Municipalities to acquire, jurisdiction and management	1	112
ATTACHMENTS		
Issue of, in actions to cancel oil, gas or mineral lease	6903	28
ATTORNEYS AT LAW		
Action to obtain release of oil or gas lease	6903	27
Fees allowed in actions to foreclose liens named	9799	28
BANKS AND BANKING		
Taxation of Banks	Ch. 64	106
BARBERS		
Apprentices, renewal of certificate	11	249
Board of examiners		
annual reports	8	248
compensation and expenses	8	248
creation of	6	247
duties and powers	9	248
officers and seal	7	248

HeinOnline -- 1929 509 1929

	Sec.	Page
BARBERS—Continued		
Bonds of officers named	7	248
Certificate issued without examination	4	247
Certificate of registration, requirements	1	246
Certificate of practice, display of	5	247
Examinations	9	248
Fees for examination and for certificate	11	249
Partial unconstitutionality of act	13	249
Practice defined	2	247
Practicing without certificate after July 1	12	249
Qualifications to receive certificate	3	247
Sanitary conditions required	1	246
Suspension and cancellation of certificate	1	246
Violation of act, penalties	10	249
BEAUTY PARLORS		
See Index "Cosmetology"		
BLACKFEET HIGHWAY		
Grant of concurrent police jurisdiction to Federal Government	1	63
Jurisdiction to vest where	2	63
BLUE SKY LAW		
See Index, "Investment Companies"	Ch. 179	
BONDS (Held by State)		
Not to be redeemed when	1916	2
Payment and cancellation	1916	2
BRIDGES		
Compensation to inhabitants called out	1	135
Ordering out inhabitants to remove or repair	1	135
Penalty for failing to comply with act	1	135
Repair and removal	1	135
BUILDING AND LOAN ASSOCIATIONS		
Assessment of property	1	104
Members to be assessed how	1	105
Powers	1	325
Verified statement of assets and liabilities	1	104
BUREAU OF MINES AND GEOLOGY		
Establishment and location	882	180
BURIAL OR CREMATION		
Agreements concerning, unlawful, when	1	142
Agreements for caskets or burial vaults, not personal services	2	142
Penalties for violation of act	3	142
Personal services, defined	2	142
BUTCHERS AND MEAT PEDDLERS		
Bills of sale	3	115
Bill of sale on sale to hide dealer	4	116
Bill of sale, receipt for	3	115
Butchers to display license in his market	2	114
Cattle slaughtered for private use, inspection of hides	4	115
Copies of inspection certificate forwarded to whom	3	115
County treasurer, duties concerning license	2	114
Definitions	1	114
Each quarter of hide to be stamped how	3	114
Falsifying records, penalty	9	117
Hide inspection to be produced when	3	114
Hides purchased by dealer, inspection of	4	116
Hides to be inspected by whom	3	114
Hides to be marked how by inspector	3	114
Holding part of act unconstitutional, effect	10	117
Inspection fees	3	115
Inspection tag	3	114
License fees	2	113
Meat Peddler to have license with him, when	2	114
Owner killing beef for self and three neighbors	3	115
Premises may be inspected by whom and when	6	116
Records of inspector	3	115
Seizure of meat held in violation of act	6	116
Transporting uninspected meat for sale, proviso	7	116
Unlawful to purchase hide or carcass, when	5	116
Violation of act, additional penalties	8	117

HeinOnline -- 1929 510 1929

	Sec.	Page
CANNABIS		
See Index, "Marihuana"		
CAPITOL BUILDING		
Refunding Bonds		
call and payment of bonds	7	317
conditions and limitations	1	314
costs and expenses	8	317
deposited with whom	2	315
interest advanced by state, refunding same	5	316
interest and sinking fund, moneys to be paid into	3	315
investment of surplus in fund	3	315
issue and purposes	1	314
limit to state's liability	10	317
number to be issued	12	318
permanent fund, payments into and investment	4	316
proceeds of sale, deposit and use	11	318
state treasurer, custodian of funds	6	317
warrants to pay interest, issued when	9	317
Salaries of janitors and employees	439	3
CARBON BLACK		
Attorney General, duty to prosecute action	8	184
Construction of act, effect	11	185
Definitions	1	181
Failure to file required statements	7	184
Failure to file statement, duty of state board	8	184
Filing of statement and duplicate	6	183
License tax is in addition to what	10	185
License tax to be paid when and to whom	3	182
License tax to be paid where and to whom	6	183
License tax upon manufacturing	2	181
Record to be kept by producer	5	182
Semi-annual statement of production	6	183
State Board of Equalization, duties	6	184
State treasurer, duty concerning statements and collection	6	183
Statement to be filed by producer	4	182
Violation of Act, penalties	9	185
CITIES AND TOWNS		
See also, Index, "Special improvement districts"	Ch. 78	
Athletic Fields and Stadiums, authorized to acquire	1	112
City Treasurer		
deposit of municipal funds by	1	80
special improvement taxes, collection of	1(a)	130
Clerk, certificate of assessments to county clerk	1	130
Council, power to furnish water to farms and industries	1	262
Fire Department Relief Associations		
annual report by secretary and treasurer	1	270
bond of treasurer	1	270
books and accounts subject to examination	1	270
fees for examination of books and accounts	1	270
money unlawfully expended, complaint and proceedings	1	270
who not deemed a member	1	270
Ice and snow accumulation, non-liability	1	258
Improvement districts, assessment district, extension of, when	1	298
Lighting Districts		
assessments	1	38
meeting and hearing of objections	1	39
money collected upon assessment, disposition of	1	39
notice of assessment, contents and publication	1	38
resolution fixing assessments	1	38
Police Department Reserves		
active list, qualifications	1	230
allowance and expenses for sickness	6	231
board of trustees, duties and powers	13	233
board of trustees, selection and term of office	12	232
called to service when	3	231
cities which may come in under act	8	232
compensation	5	231
incapacity from injury, transfer to reserves	4	231
investment of fund	11	232
investments of funds	13	233
limitation of use of fund	14	232

HeinOnline -- 1929 511 1929

CITIES AND TOWNS—Continued	Sec.	Page
moneys which shall be paid into retirement tax fund	10	232
portion of salaries to be paid into retirement tax fund	9	232
qualification of members	1	24
salaries withheld, bequests, gifts, etc., disposition	10	232
special tax levy for	7	231
transfers to, when	2	230
Report of State Examiner, recorded and published how	1	59
Sidewalks and Curbs		
assessments for special	1	21
constructed in absence of special improvement district, when	1	20
proceedings in ordering sidewalks and curb construction	1	20
spread of payments for	1	21
warrants may be issued in payment	1	21
Special Improvement Districts		
act not to apply to existing districts until when	3	35
district fund to pay revolving fund loans, when and how	4	36
effect of invalid or inoperative clauses of act	6	37
election to vest council to proceed under act	3	35
lien of revolving fund to secure loans to districts	4	36
loans from revolving fund to district fund	3	35
may lease or sell property purchased at tax sales	5	36
purchase of property at tax sales	5	36
sale by city of tax certificate	5	36
special improvement revolving fund, creation	1	34
tax levy for revolving fund	2	35
transfer of funds to	2	34
transfer of surplus in revolving fund to general fund	5	36
treasurer may collect taxes certified to county clerk, when	1(c)	130
Streets and alleys may be discontinued when and how	1	22
Vacation of plats	1	88
Vacation of village and town plats	1	87
Zoning		
amendments and changes in regulation, restrictions and boundaries	5	265
appeals to board of adjustment	7	266
appeals to board, stay of proceedings	7	267
board of adjustment		
appeals to court from	7	268
certiorari	7	268
costs on appeal	7	268
hearings of appeals to board	7	267
powers, term of office	7	266
powers on appeal	7	267
returned to court on appeal	7	268
rules and meetings	7	266
conflict of laws	9	269
council building regulations	1	264
council, power to divide city into districts	2	264
ordinance to enforce act	8	269
purposes of regulations to be adopted	3	264
regulations, restrictions and boundaries, proceedings in adopting	4	265
violation of act	8	269
zoning commissioner, appointment and duties	6	265
CITY AND MUNICIPAL TREASURER		
Duty in depositing municipal funds	1	80
COCAINE		
Sale of, regulations	3186	4
CODINE		
Sale restrictions	3186	4
COMMISSIONER OF AGRICULTURE, LABOR AND INDUSTRY		
Ex-officio, farm storage commissioner	2	40
COMMON CARRIERS		
Free transportation and reduced rates	1	222
Free transportation may be issued by, to whom	1	11

HeinOnline -- 1929 512 1929

INDEX

	Sec.	Page
COMMON SCHOOLS		
Additional tax levy	1	238
Proceeds of fines, disposition of	1	238
CONSTITUTION		
Amendment of Article XVI, concerning election of county commissioners	4	497
CO-OPERATIVE SAVING AND CREDIT ASSOCIATIONS		
Act not to apply to whom	28	209
Application for loans	14	205
Articles of Incorporation, contents	2	201
Beneficiary	17	206
By-laws, adoption, contents and examination	5	202
By-laws, amending	11	204
By-laws, approval by State Examiner	5	202
Capital	16	206
Certified copy of articles of incorporation as evidence	3	202
Certificate of incorporation as evidence	4	202
Change of place of business	25	208
Credit committee, powers and duties	14	205
Credit Union, defined	1	201
"Credit Union," use of phrase restricted	7	203
Credit Union Association, defined	1	201
Director, duties and powers	13	205
Dissolution, process	24	208
Dividends	22	207
Election of Officers	12	205
Entrance fee	16	206
Examinations and fees	6	203
Expulsion and withdrawal of members	23	207
Failure to file reports	10	204
Fees and expenses of state examiner	27	209
Fiscal year	11	204
Interest rates on loans	18	206
Lien on shares	16	206
Loans	20	207
Meetings and voting	11	204
Membership, groups	9	204
Minors	17	206
Officers, election of	13	205
Power to borrow	19	207
Powers	8	203
Reserves	12	207
Supervision of	1	201
Supervision of state examiner, reports to	6	203
Supervisory committee, powers and duties	15	206
Suspension and revocation	10	204
Taxation	26	208
CORPORATIONS		
Dealing in real estate		
courts closed to until when	1	224
required to file copies of articles of incorporation when	1	223
Expiration of charter, notice by secretary of state	1	227
Name, use of to cease when	2	227
Winding up of business	2	227
authority to use corporate name	4	228
extension of term	3	227
resolution continuing use of name	3	227
COSMETOLOGY		
Annual license fees	15	199
Appeals to district court	11	199
Application for license	3	197
Bond of treasurer	10	198
cancellation of license, when	3	197
Defined	2	196
Examinations held when	8	198
Examining board		
compensation and expenses	9	198
duty in examinations and issuing licenses	7	198
powers and duties	11	199
qualifications and duties	4	197
rules and examinations	6	198
Fees, examination and admission	15	199
Independency of sections of act	19	200

HeinOnline -- 1929 513 1929

COSMETOLOGY—Continued	Sec.	Page
Inspector, appointment, powers and removal	13	199
Inspector, salary and expenses	11	199
License fees, expiration and renewals	16	200
License without examination	3	197
Montana State Examining Board of Beauty Culturists	4	197
Organization of Board	5	198
Practicing or teaching without license	17	200
Practicing or teaching, unlawful when	1	196
Sanitary rules	12	199
Who are exempt from act	18	200
COUNTY ASSESSORS		
Deputies, number allowed by county commissioners	1	263
Duty to report what personal property to treasurer	2238	283
COUNTY ATTORNEYS		
Prosecutions under Pure Food and Drug act	2	124
COUNTY BONDS		
Validating certain bond elections heretofore held	1	303
COUNTY BOUNDARIES		
Boundary between Powder River and Carter Counties	1	75
Carter County boundary altered	2	76
COUNTY BUDGETS		
Adoption of final budget	4	291
Appropriations to lapse when	6	295
Appropriation and limit of expenditures	5	292
Borrowed money, use and disposition of	5	292
Budget shall specify what	4	291
Construction of act	9	296
Contents of classification estimates	2	290
Copy to be furnished the State Examiner	4	291
Duty of State Examiner	8	296
Estimates, classification of	2	289
Emergencies authorization	6	293
Emergencies, duty of commissioners	6	293
Emergency order, appeals from, proceedings	6	294
Expenditures in excess of budget forbidden, penalties	5	293
Extreme emergencies, and warrant to meet	6	294
Forms for estimates	1	288
Hearing on preliminary budget	4	291
Liability of officer for the excess warrants	5	292
Monthly reports of county clerk	7	295
Penalty for not filing estimates	1	289
Reports required of county commissioners	1	288
Reports required of county officers	1	288
Submission of tabulation to commissioners, proceedings	3	290
Tabulation by county clerk	2	289
Tabulation of emergency warrants	3	290
Tax levy, how fixed	4	291
Tax levy to meet emergency warrants	6	295
Transfer and revisions	5	292
Violation of act	10	296
COUNTY CLERKS		
Changes in assessment books, made when and how	1	140
Duty concerning list of qualified voters at fiscal elections	2	77
COUNTY COMMISSIONERS		
Constitutional amendment	4	497
December meeting	1	61
Duty concerning additional common school levy	1	238
Duty in contracting county printing	1	12
General powers		
garbage and ash collecting districts	1	282
tax levy for garbage and ash collecting districts	2	282
Highways		
duties and powers concerning	1	95
inspection of	1	358
Leasing county property	Sub. 28	68
Levy of high school taxes	1	76
Meetings in lesser counties	1	61
Powers and duties enumerated	1	64

HeinOnline -- 1929 514 1929

COUNTY CENTRAL COMMITTEES

Composed of whom	1	60
Powers and duties	1	60

COUNTY PARKS AND CAMPING GROUNDS

Acquisition of lands for parks and camping purposes	1	84
Lands to be set aside for what purposes	2	84
Limit to purchase price and annual expenditures	2	84
Name or number of	2	84

COUNTY PRINTING

Bond of contractor	1	18
Contract to be let when and how	1	12
Contract with newspaper	1	18
Folios	1	13
Price fixed to include what	2	18
Prices of printing and supplies	1	17
Subletting contract	1	18
"Substance" defined	3	18
Term of contract	1	18
Unsatisfactory work	1	18
Violation of act	5	19
Work and material not included in act	4	18

COUNTY RECORDER

Duty to require what indorsement on instrument	1	1

COUNTY SURVEYORS

Duties and powers concerning highways	1	30
Exclusive supervision and direction of highways and bridges, where	1	30

COUNTY TREASURERS

Duties concerning money deposited by Public administrator	1	229
Duty concerning school funds	1	284
Duty in depositing county funds	1	80
Duty concerning payment of district school bonds	30	128

COUNTY AND CITY COMMITTEEMEN

Election, when and how	1	59
Meetings and notice	1	60
Nominated how	1	60
Organization, officers and sub-committees	1	60
Powers and duties	1	60
Vacancies filled how	1	60

COURT PROCEEDINGS

Number and time of publications required	2	127

CREDIT UNIONS

See Index, "Co-operative Savings and Credit Associations"

CRIMES

Indeterminate sentence law, repealed	1	225
Parole section repealed	1	225
Suspended sentence	1	225
Tampering with electrical, etc. wires	1	109

CRIME COMMISSION

Appropriation	5	238
Creation and members	1	237
Duties of commission	2	237
Hearings and investigations	4	238
Payments, how made	5	238
Power to appoint secretaries and clerks	3	238

DAIRY PRODUCTS

Analysis and tests of samples	6	156
Authority to enter places for inspection	25	167
Babcock Test		
examination of applicant for license	10	158
license, revocation of	13	159
license to continue until when	12	158
license to operate required	10	158
penalty for operating without a license	13	159
standard method of operating test for milk and cream	14	159
temporary permit to operate	11	158

HeinOnline -- 1929 515 1929

DAIRY PRODUCTS—Continued	Sec.	Page
Butter		
branding of substitutes or imitation butter	32	169
imitation butter, marking of package and restrictions	32	169
name of maker to be printed on package	31	169
patent butter, sale of	36	171
renovated butter, use in hotels	32	169
standard measurement, penalty for violating	30	168
substitute, manufacturing or possessing for sale, prohibited	33	169
Cans		
labels on cans shipped	43	173
not to be furnished by whom	28	168
regulations and requirements	28	167
Cheese		
factory regulations and requirements	23	164
filled cheese and substitutes, prohibition	37	171
Collecting stations, license	17	161
Co-operative establishments, inspection of records	26	167
"Cream" defined	4	154
"Creamery" defined	45	174
Creamery or factory		
closing for violation of sanitary rule	25	166
location and construction of	20	162
monthly reports of, required	19	162
penalty for opening contrary to provisions of section	25	166
registration	15	160
Dealers in dairy substitutes, license required	40	172
Dealers in substitutes, quarterly reports	40	172
Educational campaign	3	154
Extraneous fats or oils, importation of	34	170
Extraneous fats and oils, sale of products containing	34	170
Foreign Products, sanitary regulations applicable to	27	167
Fraudulent pasteurization, labels forbidden	48	175
Ice cream		
notice required posted in places of sale	46	174
pasteurization required when	215	174
Inspection, interference with	54	177
Labeling of imported goods	50	176
Licenses		
buying or collecting stations	17	161
not required of whom	3282	348
other than required by act	52	176
required when	3282	347
revocation of	18	162
schedule of	16	161
schedule of license fees	3282	348
term of and revocation of	3282	347
Livestock sanitary board, rules, regulations and restraint of	3282	348
Milk		
adulterated, imitation	43	173
skimmed, sale and requirements	42	173
Milk and Cream		
buying stations, license required	17	161
collection of milk and cream, regulations	9	157
license fee of collector of milk and cream	8	157
location and requirements of buying stations	24	164
"milk plant" defined	3282	347
regulations of stations	22	164
New enterprise, notice and preliminary permits	21	163
Officers and inspectors, interference with	54	177
Oleomargarine		
advertising for sale prohibited when	39	172
coloring prohibited	38	171
dealers in	40	172
license for selling oleomargarine or butter substitutes	40	172
Pasteurization		
apparatus to be kept clean	47	175
defined	44	174
plants, requirements	47	175
required of whom	45	174

HeinOnline -- 1929 516 1929

DAIRY PRODUCTS—Continued	Sec.	Page
Penalty for violating any section named	49	175
Poisonous coloring matter	38	171
Posting of license by dealers in substitutes	40	172
Quarterly reports of dealers in substitutes or imitations	40	172
Regulations by Department of Agriculture, Labor and Industry	1	154
Renovated butter, branding or marking	35	170
Renovated butter, sale prohibited when	35	170
Samples of milk and cream taken by dealer	7	156
Samples, preservation, marking and preservatives	7	157
Samples to be taken and tested	5	156
Samples, verified and as evidence	6	156
Sanitary control	25	165
Standards, enforcement	2	154
Statistics, publication	3	154
Statutes of state made applicable	53	176
Trade marks, registration and use	51	176
Unlawful to operate creamery or factory when	16	160
Violation of act, penalties	55	177
Violation of Section 40, penalties	41	172
Violation of act	3282	348
DANCE HALLS		
Application for license, proceedure	6	257
County Commissioners may make rules and regulations	5	257
Dances which may be held without permits	3	256
Definitions	1	256
Enforcements of act, duty	8	257
Forfeiture of license	7	257
Free access of peace officers	5	257
License fees	3	256
License for single dance	2	256
License for rural dance halls	2	256
License not to be issued to whom	2	256
Regulations, lights, etc.	4	257
Temporary license	2	256
Violation of act, penalty	9	257
DOLLIE COSENS		
Admission to Soldiers' Home	1	123
DRAINAGE DISTRICTS		
Assessments		
additional when former illegal or void	7342	346
considerations to be extended to certain properties	7307	343
lands not included in district, assessed when	7364A	346
proceedings to assess outside lands	7364A	346
tabulations required	7307	343
Board of Commissioners		
report of repairs and cost, proceedings	7327	345
vacancies in, how filled, term	7284	341
Dismissal of proceedings, court judgment	7322	344
Itemized statement of costs	7322	345
Judgment against petitions, proceedings	7322	345
Judgment or dismissal cost, lien	7322	344
Taxation		
money paid out, how	7322	344
properties to be assessed	7307	342
taxes due when	7322	344
verification, record and collection	7322	344
ELECTIONS, FISCAL		
Increasing Indebtedness		
list of qualified electors	2	77
qualifications of electors	1	77
ELECTION, PRIMARY		
Ballots, printed and arranged	1	110
Candidates defeated at primary not to run	1	111
Candidate to designate his party on official ballot	1	111
City Central Committee		
composed of whom	1	60
power to fill vacancies among nominees for office	1	60
term of office	1	60

HeinOnline -- 1929 517 1929

	Sec.	Page
ELECTION, PRIMARY—Continued		
Manner of casting ballots	1	112
Names on ballots, alphabetically arranged	1	110
Party tickets separate, form and material	1	112
Rotation arrangement of names	1	111
Writing names in on ballot	1	111
ELECTRIC WIRES AND POLES		
Duty of owner to remove, cut or raise, after notice, when	3	89
Interference with otherwise than act provides, forbidden	4	90
Movers of building or structure may remove or cut wires or poles when, only and how	3	89
Notice required before interfering with in moving structures	1	89
EUCAINE		
Sale of, restrictions	3186	4
EVIDENCE		
Impurity of drugs or food, presumptive evidence	2	124
FIRE HOSE		
Standardization		
notice of State Fire Marshal requiring	3	87
standard threads on coupling prescribed	1	86
power and duties in establishing standard equipment	2	86
FIRE MARSHAL, STATE		
Duties and powers concerning fire fighting equipment	Ch. 53	86
Powers	1	239
FISH AND GAME		
Artificial lakes and ponds		
defined	1	73
fish may be taken from, how	1	73
license and bond	1	73
may be stocked with State or Government fry, when	1	73
reports to be made by owner	1	73
Deer, open and closed season	1	250
Elk		
game commission may shorten open season when and how	1	57
number which may be killed in territory named	2	58
open season for killing elk in counties named	1	57
penalty for violation of act	3	58
Georgetown Lake		
unlawful to take fish from, during hours named	1	33
penalty for violation of act	2	34
Judith River Preserve		
acts which are prohibited	2	85
description of boundaries	1	85
penalty for violation of act	3	86
Refuge for migratory birds		
criminal and civil jurisdiction of State over preserve	1	74
federal government permitted to acquire lands and waters in State	1	74
FRATERNAL BENEFIT SOCIETIES		
Beneficiary may be changed when and by whom	1	138
Death benefits, confined to whom	1	138
FUR DEALERS		
Application for agents license	4	72
Books and records to be kept by	2	72
Classification of licenses	4	72
Defined	1	71
Fur dealer's agent	4	72
License to be secured	3	72
License to run for one year	5	73
Penalty for violation of act	6	73
Resident fur dealer, defined	1	71

HeinOnline -- 1929 518 1929

INDEX

	Sec.	Page
GASOLINE LICENSE TAX		
Dealers		
dealer's tax	2	151
deduction for evaporation	2	150
statement to be made when and to whom	3	152
tax to be paid by	3	151
Delinquent Gasoline Tax		
attorney general, duty of	1	357
investigation by board	1	356
lien of tax	1	357
penalties	1	357
Distributors		
deductions for evaporation	1	150
license tax	1	150
Money deposited in Draw Back Fund, disposition	1	373
Money deposited in Highway Fund, disposition	1	373
Money recovered from to be deposited in what	1	373
Refund		
paid when	1	339
powers and duties of Board of Equalization	1	340
proceedings to obtain	1	339
GEORGETOWN LAKE		
Unlawful to take fish from during certain hours	2	33
GRAIN STANDARDS AND MARKETING		
Definitions	3574	305
Disputes as to grade, proceedings	3588	308
Inspectors, samplers and weighers, appointment and qualifications	3576	305
Inspection and weighing fee	3581	306
Laboratory, license required	3581	307
Warehousemen		
delivery of grain on return of receipt	3588	307
fees and charges	3579	306
sales to, basis of settlements	3588	307
shipments, duty of	3588	307
storage of grain, future delivery	3588	307
GRAIN STORAGE		
Application for inspection and sealing	10	41
Certificate of inspection, deemed authoritative, when	12	42
Emergency clause	24	45
Expenses of administration to be paid by whom	21	45
False application, penalty	11	42
Farm storage commissioner		
bond of	3	40
creation of office	2	40
powers and duties of	4	40
Inspector		
acts by, constituting a felony	13	43
application for appointment	6	41
appointment and requirements	5	40
bond	8	41
duties in making inspection	12	42
duty to note on certificate amount of fees	21	45
fees and compensation	9	41
power to take acknowledgments and administer oaths	12	42
term of office	7	41
Locking and sealing of warehouse waived when	18	44
Owner of grain, duties	14	43
Owner's responsibility for amount of grain	19	45
Purpose of act	1	39
Unconstitutionality of any section	23	45
Warehousemen		
certificate filing of, notice of what	17	44
certificate, form and contents	15	43
certificate to be issued in triplicate	16	44
instructions to, on shipment	3588	307

HeinOnline -- 1929 519 1929

GUARDIAN AND WARD	Sec.	Page
Incompetent Veterans and Children		
act to be construed how	17	103
act to be cited how	18	103
annual report of guardian and hearing	9	101
appointment of guardian	2	99
certificate of director, prima facie evidence of what	5	100
commitment to Veterans' Bureau Hospital, proceedings	15	102
definitions of terms in act	1	99
guardian's compensation, petition and hearing	11	102
guardian discharged, when	16	103
guardian, duty to invest funds of estate	12	102
guardian, failure to account for money received	10	102
guardian shall apply estate of ward to what purposes	13	102
invalidity of portion of act	20	103
laws modified by act	21	103
necessity of appointment of guardian of insane ward	6	100
notice of petition	8	101
number of wards to guardian	3	99
petition for appointment of guardian, filed when	4	100
petition and discharge of guardian	3	99
public records, copies furnished without cost	14	102
qualification and bond of guardian	8	101

HAIR DRESSERS

See Index, "Cosmetology"

HAIL INSURANCE, STATE BOARD OF		
Borrowing money and issuing warrants therefor	2	10
Compensation and expenses of officers	1	330
Limit to amount per acre to be paid	2	10
Losses, payment of delinquent claims	2	9
Payment by warrants	2	9
Prorating and payment of losses	2	10
Tax levy, purposes and provisions	1	8
Warrants to be drawn by State Auditor, when	2	10

HERD DISTRICTS		
Additional lands included how and when	1	91
Creation, petition and proceedings	1	90
Dimensions and location	1	90
Hearing and protests	1	91
Petition signed by lessee	1	91

HEROIN AND DERIVATIVES		
Sale, restrictions	3186	4

HIDES

See also, "Butchers and Meat Peddlers"

Common carriers, shipments	5	300
Dealers		
bills of sale	3	300
construction of act	8	301
definitions	1	299
duty of officer to inspect tags	4	300
falsifying records, violation of act	6	310
forfeiture of license	7	310
inspection, duty of officers	3	299
inspection fee	3	300
license	2	299

HIGHWAYS		
Duties and powers of county commissioners concerning	1	95
Repair or removal of defective bridges	1	135
Road Supervisor, office abolished in certain counties	2	31

HOURS OF LABOR		
Penalty for violation of provisions of law	1	225
Public works and employees	2	226
Violation of Section 3079 of Revised Codes	3	226

HOUSE AND SENATE JOURNALS		
Distributed how and by whom	1	32

HeinOnline -- 1929 520 1929

	Sec.	Page
INDIAN HEMP		
See Index, "Mariahuana"		
INHERITANCE TAX		
Board of Equalization, power to obtain evidence	4	255
Corporations, transfers by	4	255
Debts and exemptions	3	254
Non-resident decedent		
notice of transfer	1	253
transfer of stock by foreign executor	1	253
INSANE ASYLUM, STATE		
Superintendent and Assistants		
appointment, salaries and allowance	1	297
removal	1	297
qualifications, appointment, salary and tenure	1	297
INSURANCE		
Assessment Accident		
benefit certificate as to child, to issue when and how	1	70
death benefits, basis	1	70
INSURANCE COMPANIES		
Taxes on property assessed how	1	105
INVESTMENT COMPANIES		
Agents; registration and permit	4040	377
Defined	4026	375
Fees to be paid investment commissioner	4050	377
Securities defined	4027	375
Securities exempt from act	4028	375
Stock brokers; fee to be paid on each issue	4040(E)	378
IRRIGATION		
Water Commissioners		
lien of fees and compensation	1	69
may withhold admeasurement	1	69
IRRIGATING DISTRICTS		
Bonds		
appeal to supreme court	2	397
authorizing issue for what purposes	1	393
court proceedings	2	396
findings of court	2	397
notice of hearing, contents of	2	396
petition, contents and signatures of	1	394
petition for issue, requirements and proceedings	1	394
petition to district court for confirmation	2	395
resolution by board of commissioners	1	395
who may appear and object	2	396
Commissioners		
compensation	1	23
interest in contract forbidden; penalty	1	23
official bond	1	24
Not affected by repeals by Chapter 75, effect of	2	126
Refunding bonds		
may be issued	1	309
may be issued when	2	309
petition for issue, contents	2	309
purpose of issue	2	309
statutes applicable to issue	1	309
State lands		
interest of purchaser subject to what	1	94
lien of district on purchaser's interest in	1	94
may be included, when, upon petition by board	1	94
not subject to taxation costs or charges	1	94
purchaser's interest in may be included, when and how	1	94
sale of purchaser's interest by district	1	94
successor to purchaser's interest	1	94

HeinOnline -- 1929 521 1929

	Sec.	Page
IRRIGATION DISTRICTS—Continued		
Tax sales		
county shall strike off lands to, when	1	92
disposition of proceeds of sales of tax certificates, rentals or redemption	1	93
expenditures from revolving fund	1	93
purchase of lands by district, when and how	1	92
revolving fund for purchasers of tax titles	1	92
revolving fund, money for procured how	1	92
taxes paid by district, disposition of money	1	92
warrants to pay for purchase	1	92
JUDICIAL DISTRICTS		
Act in effect for election purposes, when	3	149
Act to be in effect for all purposes, when	4	149
Counties named composing each district	1	148
Number of judges in the respective districts	2	149
JUDICIAL SALES		
Validifying prior sales	1	241
LABOR LIENS ON OIL AND GAS WELLS		
Attorneys fees to be allowed in foreclosure	9799	28
LAND COMMISSIONERS, BOARD OF		
Redemption of bonds and interest	1916	2
LEASES		
Action to obtain release of oil, gas or mineral lease	6903	27
City or town lots, limitation of life of	1	287
LEWIS AND CLARK MEMORIAL		
Commission, appointment, powers and duties	2	313
Commission, reimbursement for expenses	3	313
To be erected where	1	313
LIBRARY EXTENSION COMMISSION, STATE		
Appointment and term of members	1	391
Appointment of assistants and executive members	2	392
Creation of commission	1	391
Powers and duties	1	391
LIVESTOCK		
See also, "Butchers and Meat Peddlers"		
See also, "Taxation of Live Stock"		
Marks and Brands		
fees for recording and certified copies	1	22
LOGGERS LIENS		
Attorneys fees allowed in foreclosure	9799	28
MALICIOUS MISCHIEF		
Injuring, tampering with or destroying electric lines	1	109
MARIAHUANA		
Growth and disposition of, forbidden	2	5
Penalty for unlawful possession, production or use	4	6
Production, possession and sale forbidden	1	5
Sale and use by druggist and physicians	3	6
MARKS AND BRANDS		
Fees for recording, and certified copies	1	22
MECHANICS LIENS		
Attorneys fees to be allowed in foreclosure	9799	28
MEMORIALS AND RESOLUTIONS		
House Joint Memorials		
Beet Sugar Industry, Tariff laws		473
Charles Marion Russell, Statue		475
Indian Tribes; Requesting speedy consideration of claims of		476
Livestock Industry, protection of, by maintaining present duty on hides		475
Poultry Industry, protection of		477

HeinOnline -- 1929 522 1929

MEMORIALS AND RESOLUTIONS—Continued

	Sec.	Page
House Joint Resolutions		
Development of Agricultural Extension work of the several states		480
Highway Commission in Montana, bridges over Missouri and Yellowstone rivers		481
Le Roy A. Foot, leave of absence from state		482
Presidential term of office, amendment of Federal constitution		480
Rural Post Roads		478
Senate Joint Memorials		
Flaxseed and Flaxseed Products, increase of tariff on		489
Forest Lands, asking for various improvements, fire protection		490
Grain, special export rates, passage of Capper resolution		488
Manganese and related ores, increase of tariff		484
Milk River Irrigation District, praying for extension of time of payments		482
Plumbago, Graphite; increase of tariff		487
Wheat grades and standards		486
Senate Joint Resolutions		
High School Survey Commission, requesting appointment by State Board of Education		492
Glacier National Park; Protesting against a bill in Congress concerning Eminent Domain		491

MIGRATORY BIRDS

See, "Fish and Game"

MONTANA HISTORICAL LIBRARY BUILDING

	Sec.	Page
Bonds		
advisory commission	13	55
allowance and payment of cost of building	5	52
bonds to be Capitol Building Bonds	1	49
called in when	6	52
conditions, term and interest	1	50
cost of issuing bonds, how paid	7	53
interest paid by State to be returned how	4	52
interest paid in warrants, when and how	8	50
investment of surplus moneys in Sinking Fund	3A	51
payment of claims on building	5	52
sale of bonds	2	50
State Board of Examiners authorized to issue	1	49
State, liability limited	9	53
State Treasurer, duties and powers	5	52
Building		
architect, compensation and duties	11	54
architect not to be interested in contract or materials	11	54
limit to cost of building	12	54
to be used exclusively for what	16	56
specifications and plans	10	54
supervision of building	10	54
Disposition of moneys in Sinking Fund	3	51
Execution and registration of bonds	1	50
Gifts and donations	15	55
Laws not affected by act	14	55
Lien upon Sinking Fund	3	51
Limit to amount of bonds	1	50
Montana materials	12	54
Permanent Fund	3A	51
Sinking Fund	3	50
Site of building	1	49

MONTANA TRUST AND LEGACY FUND

	Sec.	Page
Board of Land Commissioners		
authority and duties	2	118
empowered to sell what securities	7	120
Commissioner of State Lands and Investments, duty	6	119
Definitions and purposes of act	1	118
Escheated estates fund, defined	2	118
Funds to be invested in what fund	2	118
Funds to be invested in what	6	119
Funds to be invested by request of other boards, commissioners, etc.	3	119
Interest annual distribution of	11	121
Investments of other funds transferred to, when	5	119

HeinOnline -- 1929 523 1929

MONTANA TRUST AND LEGACY FUND—Continued

	Sec.	Page
Investments which may be transferred to Legacy Fund	4	119
Payment from any fund; proceedings	13	122
Principal of each fund subject to payment, when and how	12	121
Securities purchased, interest and losses	1	118
State Auditor, accounts to be kept by	8	120
State Treasurer		
accounts to be kept by	8	120
transfer of interest collected, annual	10	120
January statement to Board	13	122
order or warrant not to be paid by whom	14	122
record of gifts, donations, etc., to be kept by	15	122
reports to be made by	16	122
State's share of interest	9	120
Supervision of the justices of the supreme court	6	119
Transfer to, of other investments	5	119
Unconstitutionality of any part, effect	18	123
Uniform Investment Plan denotes what	1	118

MORPHINE AND DERIVATIVES

Sale of, regulation	386	4

MOTOR VEHICLES

Dealers		
application for annual registration and fee	2	384
certificate of sale of new car	4(1)	350
fee for registration after June 30 or Sept. 30	Sub. 2	388
registration fee for each place of business	Sub. 3	388
registration fees to be paid to whom	1	387
registration and re-registration	Sub. 7	386
serial registration and plates	2	384
transfer of license upon sale of business	Sub. 4	389
trailers and semi-trailers, registration	2	384
Definitions	1	390
Drivers		
additional penalties	4	332
concealing identity of driver in collisions, a felony	2	331
driving car while intoxicated, unlawful when	1	331
operating car after revocation of license	3	332
penalty for operating car while intoxicated	3	332
Federal and State governments, no license fee, required	Sub. 5	389
Foreign Registration		
agencies to execute act	6	235
application for license	2	234
by residents forbidden	7	383
display of license	4	235
evidence to be furnished by owner	3	235
filing and registration of application	5	235
license for extra time, fee	9	236
license, period of life	3	234
license plates to be carried	8	236
license to issue without charge	3	234
license to be obtained when	1	234
operating contrary to act, penalty	11	236
operating for profit, application and fees	7	235
purpose and construction of act	10	236
License fees		
based on weight	1	387
car without pneumatic tires	1	388
disposition of moneys from license fees	1	388
License and number plates, display of	3	385
License and number plates, replacement	Sub. 4	385
Non-residents, section not applicable to	Sub. 5	385
Non-residents, requirement of	Sub. 5	383
Owner, who deemed	5	333
Peace officer, duties of	3	386
Penalties for violation of act	3	386
Registrar		
authority to construct building at penitentiary	1	185
bond of	Sub. 4	383
deputy and clerks, salaries of	Sub. 4	383
lists of monthly sales to be furnished whom	Sub. 8	383

HeinOnline -- 1929 524 1929

	Sec.	Page
MOTOR VEHICLES—Continued		
Registration—Continued		
monthly transmission of moneys collected	Sub. 6	383
records by	1	382
who designated registrar	1	382
Registration		
application for	2	350
application for, after April 30, penalty	4	350
certificate of new car by dealer	4(1)	350
certificate of payment of taxes for 1928	3	350
certificate of taxes paid, contents	1	349
Residents forbidden to operate under foreign license	Sub. 7	386
Schedule of license fees	1	387
Trailers and semi-trailers, registration of	2	384
NAMES		
Report of changes in		494
NEW COUNTIES		
Assessed valuation, required	1	210
Commission to determine county lines	1	211
Creation from territory of other counties	1	210
Limit to reduction of old county	1	210
Minimum area required	1	210
Proportion of old county indebtedness and assets	1	211
Proximity of county line to court house	1	210
NOTICES, ORDERS OR DOCUMENTS		
Publication of, requirements	1	127
NURSES		
Certificates to registered nurses of other states	3	252
Examination, schedule of subjects	1	251
Qualifications of applicant	2	252
Registration fee	2	252
Renewal registration fees	4	252
Training school not to accept whom	2	252
OIL, GAS AND MINERAL LEASES		
Action to obtain release of lease, damages and costs	6903	27
Writ of attachment may issue in action to obtain release	6903	28
ORPHANS' HOME		
Committment of child	1	136
Executive to collect amount due from parent	2	137
Parents must be ordered to pay what amounts	2	137
POLITICAL PARTIES		
See Index, "Elections, Primary"		
POULTRY INDUSTRY		
Livestock Sanitary Board, powers and duties	1	321
Purposes of act	1	321
Violation of provisions of act	2	322
PRECINCT COMMITTEEMEN		
Names printed on ticket, how at primary	1	60
PROBATE PROCEEDINGS		
Public Administrator		
delivery of property of small estates to	1	62
deposit and expenditures of estates money	1	229
investment of estate moneys	1	229
small estates; delivery of property to	1	62
Sale of Real Estate		
hearing of petition	2	319
service of order to show cause	1	318
PUBLIC FUNDS		
Deposits		
by city, town and county treasurer	1	80
by state treasurer	1	379
security for deposits of state funds, and interest	1	379
securities to be required by county and municipal treasurer	1	80

HeinOnline -- 1929 525 1929

	Sec.	Page
PUBLIC UTILITY COMMISSION		
Annual reports	1	351
PUBLIC WAREHOUSEMEN		
See Index, "Grain Standards"		
PUBLICATIONS, COURT PROCEEDINGS		
Number of publications required	1	127
Validating former publications	2	127
RACING		
Betting on		
entrance fee contribution lawful when	1	195
RAILROADS		
Bell and whistle on locomotive, condition of	6521	7
Cars to be furnished, character of	6521	7
Exorbitant rates	6521	7
Free transportation may be issued to whom	1	11
Lights for cars	6521	7
Passes and reduced rates	1	222
Penalties for violation of section and laws	6521	7
Posting of rates	6521	7
Reports, failure to make	6521	7
Running trains over unsafe bridges, trestles, etc.	6521	7
Sounding of whistle and bell at approaches named	6521	7
Speed limits in cities and towns	6521	7
Tracks to be lighted in cities	6521	7
Transportation on passenger cars, dangerous materials, enumerated	6521	7
Unjust discrimination	6521	7
RECORDING OF INSTRUMENTS		
Indorsements required on instruments	1	1
Post office address, required	1	1
REGISTRAR OF MOTOR VEHICLES		
See also, Index, "Motor Vehicles"		
Authority to construct building at State Prison	1	185
RURAL IMPROVEMENT DISTRICTS		
Apportionment of costs	2	259
Assessment	2	259
Assessment a lien on property	3	261
Assessments for maintenance	3	260
Changes in boundaries	3	261
Creation of district	1	259
Maintenance of improvements	3	260
Payment for improvements	2	259
Railroads, duty	2	259
SCHOOLS		
Abandoned Districts		
attached to contiguous districts	1	108
county superintendent, power and duties	1	108
funds of, disposition	1	108
shall be declared abandoned, when	1	228
Common Schools		
additional tax levy	1	238
proceeds of fines, disposition of	1	238
County superintendents		
abandonment of school districts, powers and duties	1	108
qualifications	1	228
salaries in counties of first to fourth class	1	139
salaries in counties of fifth and sixth class	1	139
High Schools		
attendance free, when and to whom	2	215
attendance outside of home county	3	215
fees for use of certain equipment and materials	3	215
Special assessments		
apportioned among schools	1	212
assessments for schools with high school work	1	211
chairman of board of trustees, duty in special assessment matter	1	212

HeinOnline -- 1929 526 1929

	Sec.	Page
SCHOOLS—Continued		
special assessments, duty of county commissioners	1	212
High Schools, City and County		
superintendent, appointment of	1	1
High Schools, County		
apportionment of tax money	1	76
board of trustees, powers and duties	1	78
estimate of fund required	1	78
tax levy	1	76
High Schools, County, Bonds		
certificate to county commissioners by school board	1	47
distribution of money	1	48
district high school may be discontinued when	1	49
investment of funds	1	48
levy of taxes, requirements	1	48
limitation to amount of bonds	1	47
questions to be submitted	1	48
questions to be submitted, when and by whom	1	47
submission of question by commissioners	1	48
School Districts		
Bonds		
investment of sinking fund	30	129
notice of date of payment	30	128
paid with what funds	30	128
payment of, and interest to state	30	128
payment of, not held by state	30	128
purchase of, by county treasurer	30	128
Refunding Bonds		
advertising and selling procedure	6	278
authority to fund indebtedness, when and how	1	277
conditions of issue	2	277
county treasurer, duties concerning	4	278
execution and registration	4	278
resolution declaring bond issue	3	277
resolution fixing interest rate, term, form and payment	4	278
tax levy	5	278
Transportation		
appeals to Superintendent of Public Instruction	2	195
board, tuition and rent of transferred children	1	193
contract, bids on	1	193
paid by district, when	1	192
pupils and tuition	1	192
schedules of prices to be paid	1	194
support of school receiving transfer of children	1	194
written consent to be had before transfer	1	215
SECRETARY OF STATE		
Duty to distribute House and Senate Journals	1	32
SHERIFFS		
Fees	1	143
SOLDIERS' HOME, STATE		
Act admitting Dollie Cosens to	1	123
SPECIAL IMPROVEMENT DISTRICTS		
Assessments		
assessments due when	1(b)	132
assessments payable when	1(d)	131
certificate by city clerk to county clerk of assessments	1(b)	131
collections of assessments, how made	1(b)	133
delinquent, reinstatement, when	1(e)	131
delinquency in one payment, effect of	1(b)	130
entire tax due upon delinquency of one payment	1(b)	130
interest on delinquency	1(b)	133
may be collected by city or county treasurer, when	1(e)	131
SPECIAL ROAD DISTRICTS		
Abolished how and when	1	19
Abolition of, when created under Chapter 128, Revised Codes, 1921	2	19
Special property of, to become county property, when	2	20

HeinOnline -- 1929 527 1929

	Sec.	Page
STATE BOARD OF EDUCATION		
See also, "University of Montana, Residence Halls"		
Call of special meetings	1	286
Expenses of attending meetings	1	286
Meetings, time and place of holding	1	286
STATE BOARD OF EXAMINERS		
Power to invest in Hail Insurance Fund	2	11
STATE BOARD OF HAIL INSURANCE		
Annual financial report	1	330
Chairman of Board, salary and expenses	1	330
STATE BOARD OF HEALTH		
Chemical analysis	1	124
Director of Food and Drugs Division, qualifications	1	124
Prosecutions and evidence	2	124
STATE EXAMINER		
Assistants and clerks allowed, salaries	1	180
Fees to be paid to	1	334
Moneys collected under section, credited to what fund	1	334
Report of examination of cities and towns	1	59
Special Examinations, fees	2	338
Special Examination Fund, fees to be paid into	2	338
Special Examination Fund, purposes of	2	338
Transfer to general fund	3	339
STATE FAIR		
Appropriation for livestock show barn	2	187
Livestock show barn, construction	1	186
STATE FIRE MARSHAL		
Buildings declared a nuisance		
affirmation of order to destroy	2753A	274
fixing time of hearing condemnation order	2753A	275
hearing of order and objections	2753A	274
lien of expense account	2753C	275
marshal shall alter or destroy, when	2753C	275
objections to order to demolish	2753A	274
order to repair, tear down or demolish	2753	273
order to demolish, form and filing	2753	274
report of expenses and salvage	2753C	275
sale of real estate for expense lien	2753C	276
service of copy of order	2753	274
Combustible or explosive materials in buildings		
failure to comply with order to remove material	2753D	276
order to remove inflammable materials	2753D	276
STATE INSTITUTIONAL BONDS		
Amount to be issued	1	242
Denomination, term and interest	3	243
Disposition of proceeds of sale	6	244
Form, designation and execution	4	244
How and when issued	2	243
Legislative authority	1	242
Money for use on what institutions	6	244
Purpose of bonds	1	242
Referendum of act	8	245
Sale of	5	244
Tax levy	7	245
STATE LANDS		
Certificate of purchase, reinstatement	89	191
Mineral reservations	1	46
No mineral reservation in lands acquired by foreclosure	1	46
STATE LAW LIBRARY		
Librarian authorized to employ an assistant	1	83
Salary of assistant librarian	1	83
STATE ORPHANS' HOME		
Application for admission	1	136
Committment of children by court, proceedings	2	137
State Board of Examiners authorized to sell described property	1	320

HeinOnline -- 1929 528 1929

STATE PARKS

Acquisition of	1	220
Director, office, creation, powers and duties	2	220
Penalty for damaging property	3	220
State Board of Land Commissioners, power to acquire or set aside land for purpose	1	220
state forester designated as director	2	220

STATE PRISON

Appropriation to be held valid	3	186
Appropriation to build additional buildings	2	186
Authority of Registrar of motor vehicles to construct additional building	1	185
Tannery		
authority of Prison Commissioners to establish	1	352
authority to purchase equipment	2	352
hides, sale by state	4	352
hides which may be treated	3	352
hides and raw material	2	352
limitation to cost	2	352
warden to have charge of	5	353

STATE TREASURER

Duties concerning Montana Trust and Legacy Fund	Ch. 70	118
Deposits of state funds	182	379
Transfer of unidentified items to general fund	1 & 2	71

SUPREME COURT STENOGRAPHER

Designated the Court Reporter	1	138
Salary of	1	138

TAXATION

See also, "Building and Loan Associations"

"Special Improvement Districts"

Assessed value of moneyed capital, how ascertained	3	107
Assessor, report to county treasurer of personal property not a lien on realty	2238	283
County clerk, duty concerning changes in book	1	140
Deeds, Tax, Action to Obtain		
action to procure, parties	1 & 2	187
appearance of defendant and answer	5	188
complaint in action to procure	2	187
deed to issue when	8	189
findings, judgment and orders of court	7	189
form of deed	8	189
lis pendens	3	188
notice for, contents and service	1	311
notice, form and publication	1	312
redemption by defendant, proceedings	5	188
summons, contents of	4	188
title conveyed by tax deed	9	191
Insurance companies assessed and taxed how	1	105
Interest on delinquency	1(a)	132
Livestock		
bounty fund tax	2	303
levy, limitations	1	302
levy, purposes of tax	1	302
Money and credits defined	1	106
Moneyed capital defined	2	106
Moneyed capital not in competition with banks	2	106
National banks shares, assessed how	4	107
Redemption of property sold to county	1	329
Sales		
assignment by county of tax certificate of sale	1	56
entry of certificate of sale and credit	1	56
owner may designate portions to be sold separately	1	56
property to be struck off to county when	1	56
validating prior certificates of sale to county	1	57
Sales of unredeemed property by County Commissioners		
contract and deed	1	323
intention of act	2	325
notice	1	323

HeinOnline -- 1929 529 1929

	Sec.	Page
TAXATION—Continued		
Sales of Unredeemed Property—Continued		
proceeds of sale, how distributed	1	324
purchaser's liability for subsequent taxes	1	323
sale by county of property purchased at tax sale	1	328
terms of sale	1	323
vesting of title and cure of errors	1	324
Special School Taxes		
certification by trustees to county commissioners	1	185
duty of superintendent to certify to county commissioners, needs, when	1	285
levy of, by county commissioners	1	285
State bank shares, assessed how	5	107
State Levy for Year 1929		
educational bonds	3	353
educational institutions	2	353
state maintenance	1	353
State Levy for Year 1930		
educational bonds	6	355
educational institutions	5	354
state maintenance	4	354
State Taxes		
increase of state taxes by referendum	1	272
providing for referendum	2	272
vote, counting and canvas	3	273
Taxes due when	1(a)	132
Valuation basis	6	107
TELEGRAPH, TELEPHONE AND LIGHT LINES		
Maliciously injuring or obstructing	1	109
Penalty for connecting without permission of owner	1	109
THRESHERMEN'S AND COMBINATION HARVESTERS' LIENS		
Filing claim	2	29
Liens of owner	1	29
Notice to elevator or purchaser	2	29
TOURIST CAMP GROUNDS		
Cancellation of license	5	134
Definitions	1	133
Hearing on cancellation of license	5	134
License, fee and term	3	134
Monthly inspection	2	134
Operating grounds without license, penalty	4	134
Printing and posting of rules and regulations	6	135
Rules and regulations by State Board of Health	2	134
TRANSPORTATION BY MOTOR VEHICLES		
Certificates, requirements to hold	6	281
Definitions	1	279
Supervision by Board of R. R. Commissioners	3	280
Transportation by, forbidden except when	2	280
UNITED STATES		
Grant of concurrent police jurisdiction over named highways	1	63
UNIVERSITY OF MONTANA		
Residence halls		
limit in paying obligations	5	179
obligations to be paid from what funds	4	179
powers of State Board of Education	3	179
state funds not to be loaned or used for	6	179
state not to be liable for any obligations	4	179
title of grounds to be in whom	2	179
VETERANS		
See Index, "Guardian and Ward"		
VETERANS' MEMORIAL FUND		
Interest collected on daily deposit to be credited to fund	1	98
Investment of	2	98

HeinOnline -- 1929 530 1929

	Sec.	Page
VILLAGES		
See, "Cities and Towns"		
WORKMEN'S COMPENSATION		
Adjustment to changed conditions of injury	6	363
Appeals to district court	10	364
Bonds and securities by insurer	11	365
Compensation for further injury	5	362
Compensation for specified injuries	16	370
Compensation with or without American dependents	3	361
Death, compensation to foreign residents	14	368
Death, compensation to U. S. residents	14	368
Evidence by certified copies, documents and orders	8	363
Hernia	4	362
Hospital assessments, limitations	1	359
Hospital contracts, filed where	1	359
Insurance policies, requirements	11	365
Jurisdiction of Board over orders, decisions and awards	9	364
Major resident dependents, compensation	14	369
Maximum compensation, amount and period	14	369
Medical and Hospital service, limit to amount of	15	369
Minor dependents residing in U. S.	14	369
Mutual agreements with employee, requirements	1	359
Notice of claim for injury less than death	7	363
Partial disability, compensation	2	360
Specialized medical and hospital care	1	360
Temporary total disability, compensation	12	365
Total permanent disability, compensation	13	367

HeinOnline -- 1929 531 1929

CODE INDEX

CODES OF 1921

Sec.		Page
135	Amend	32
182	Amend	379
209S.	2737A Added	239
219	Amend	180
220	Rep.	181
224	Rep.	296
225	Rep.	296
226	Rep.	296
227	Rep.	296
228	Rep.	296
229	Rep.	296
230	Rep.	296
352	Amend	8
361	Amend	9
363	Amend	330
439	Amend	3
537	Rep.	124
545	Amend	37
651	Amend	110
662	Amend	59
835	Amend	286
882	Amend	180
970	Amend	108
1010	Amend	192
1013	Amend	215
1202	Amend	238
1203	Amend	285
1213	Amend	284
1271	Amend	78
1275	Amend	76
1276	Amend	47
1281	Amend	211
1294	Amend	1
1415	Amend	297
1501	Rep.	137
1502	Rep.	137
1503	Amend	136
1504	Amend	137
1569	Amend	83
1622	Amend	95
1627	Amend	135
1632	Amend	358
1674	Amend	19
1755	Amend	382
1759	Amend	384
1760	Amend	387
1816	Amend	2
2037	Amend	263
2078	Amend	302
2081	Amend	302
2159	Amend	140
2191	Amend	56
2209	Amend	311
2234	Amend	329
2235	Amend	322
2238	Amend	283
2382	Amend	150
2383	Amend	151
2593	Amend	124
2595	Amend	124
2620	Rep.	178
2621	Rep.	178
2622	Rep.	178
2623	Rep.	178
2624	Rep.	178
2625	Rep.	178
2626	Rep.	178
2627	Rep.	178
2628	Rep.	178
2629	Rep.	178
2630	Rep.	178
2631	Rep.	178
2632	Rep.	178
2633	Rep.	178
2737A	Added	239
2753	Amend	273
2753a	Added	274
2753b	Added	275
2753c	Added	275
2753d	Added	276
2907	Amend	359
2912	Amend	365
2913	Amend	367
2914	Amend	360
2915	Amend	368
2917	Amend	370
2918	Amend	361
2920	Amend	370
2921	Amend	362
2923	Amend	362
2924	Amend	363
2933	Amend	363
2944	Amend	364
2952	Amend	364
2959	Amend	364
2981	Amend	365
3073	Amend	225
3079	Amend	226
3080	Amend	226
3186	Amend	4
3207	Amend	251
3210	Amend	252
3211	Amend	252
3211A	Added	252
3282	Amend	347
3307	Amend	22
2384	Amend	90
3568	Rep.	178
3569	Rep.	178
3570	Rep.	178
3571	Rep.	178
3572	Rep.	178
3574	Amend	304
3576	Amend	305
3579	Amend	306
3581	Amend	306
3594	Amend	216
3596	Amend	218
3602	Amend	219
3695	Amend	73
3697	Amend	250
3886	Amend	351
3947	Rep.	126
3948	Rep.	126
3949	Rep.	126
3950	Rep.	126
3951	Rep.	126
3952	Rep.	126
3953	Rep.	126
3954	Rep.	126
3955	Rep.	126
3956	Rep.	126
3957	Rep.	126
3958	Rep.	126
3959	Rep.	126
3960	Rep.	126

HeinOnline -- 1929 532 1929

INDEX

Sec.		Page
3961	Rep.	126
3962	Rep.	126
3963	Rep.	126
3964	Rep.	126
3965	Rep.	126
3966	Rep.	126
3967	Rep.	126
3968	Rep.	126
3969	Rep.	126
3970	Rep.	126
3971	Rep.	126
3972	Rep.	126
3973	Rep.	126
3974	Rep.	126
3975	Rep.	126
3976	Rep.	126
3977	Rep.	126
3978	Rep.	126
3979	Rep.	126
3980	Rep.	126
3981	Rep.	126
3982	Rep.	126
3983	Rep.	126
3984	Rep.	126
3985	Rep.	126
3986	Rep.	126
3987	Rep.	126
3988	Rep.	126
3989	Rep.	126
3990	Rep.	126
3991	Rep.	126
3992	Rep.	126
3993	Rep.	126
3994	Rep.	126
3995	Rep.	126
3996	Rep.	126
3997	Rep.	126
3998	Rep.	126
3999	Rep.	126
4000	Rep.	126
4001	Rep.	126
4002	Rep.	126
4003	Rep.	126
4004	Rep.	126
4005	Rep.	126
4006	Rep.	126
4007	Rep.	126
4008	Rep.	126
4009	Rep.	126
4010	Rep.	126
4011	Rep.	126
4012	Rep.	126
4013	Rep.	126
4014	Rep.	126
4015	Rep.	126
4016	Rep.	126
4017	Rep.	126
4018	Rep.	126
4019	Rep.	126
4020	Rep.	126
4021	Rep.	126
4022	Rep.	126
4023	Rep.	126
4024	Rep.	126
4025	Rep.	126
4026	Amend	374
4027	Amend	375
4028	Amend	375
4040	Amend	377
4050	Amend	377
4181	Amend	221
4390	Amend	210
4457	Rep.	62
4462	Amend	61
4465	Amend	64
4465SS. 28	Added	282
4482	Amend	12
4574	Amend	259
4584	Amend	259
4592	Amend	260
4767	Amend	80
4805	Amend	1
4869	Amend	139
4870	Amend	139
4916	Amend	143
5130	Amend	270
5228	Amend	298
5244	Amend	20
5251	Amend	129
5265	Amend	38
5306	Amend	22
5208	Amend	87
5909	Amend	223
6311	Amend	138
6340	Amend	70
6521	Amend	7
6573	Amend	11
6673	Amend	222
6708	Amend	287
6903	Amend	27
7149	Amend	69
7210	Amend	393
7211	Amend	395
7216	Rep.	398
7217	Rep.	398
7218	Rep.	398
7219	Rep.	398
7220	Rep.	398
7221	Rep.	398
7222	Rep.	398
7223	Rep.	398
7224	Rep.	398
7225	Rep.	398
7226	Rep.	310
7227	Rep.	310
7228	Rep.	310
7229	Rep.	310
7230	Rep.	310
7284	Amend	341
7307	Amend	342
7322	Amend	344
7323	Amend	345
7327	Amend	345
7342	Amend	346
7364A	Added	346
8366	Amend	29
8367	Amend	29
8812	Amend	148
8813	Amend	149
9453	Amend	241
9745	Amend	141
9799	Amend	28
10001	Amend	229
10012	Amend	62
10213	Amend	318
10214	Amend	319
11180	Amend	195
11466	Amend	109
12075	Rep.	225
12076	Rep.	225
12077	Rep.	225

HeinOnline -- 1929 533 1929

STATUTES

LAWS OF 1923

Chap.	Sec.		Page
19	3	Amend	215
35	1	Rep.	178
35	2	Rep.	178
35	3	Rep.	178
35	4	Rep.	178
35	5	Rep.	178
35	6	Rep.	178
35	7	Rep.	178
35	8	Rep.	178
35	9	Rep.	178
35	10	Rep.	178
35	11	Amend	347
35	12	Rep.	178
35	13	Rep.	178
35	14	Rep.	178
40	5	Amend	8
40	11	Amend	9
40	12	Amend	330
41	1	Amend	305
42	1	Amend	297
46	1	Amend	56
51		Rep.	178
57	2	Rep.	56
57	3	Rep.	56
57	4	Rep.	56
57	5	Rep.	56
57	6	Rep.	56
57	7	Rep.	56
57	8	Rep.	56
57	9	Rep.	56
57	10	Rej.	56
57	11	Rep.	56
57	12	Rep.	56
57	13	Rep.	56
57	14	Rep.	56
59		Rep.	45
70	1	Amend	192
73	4	Amend	302
77	6	Amend	73
85	1	Amend	379
96	1	Amend	132
98	1	Amend	77
98	2	Amend	77
109	2	Amend	346
126	1	Amend	1
127	1	Amend	78
133	651	Amend	110
135	1	Amend	298
147		Rep.	126
154SS c	1	Amend	279
154	2	Amend	280
154	3	Amend	280
157	11	Rep.	398
157	7	Amend	398
157	12	Rep.	398
157	13	Rep.	310
157	14	Rep.	310
157	15	Rep.	310
157	16	Rep.	310
157	17	Rep.	310
161	1	Amend	395
161	2	Rep.	398
161	3	Rep.	398

STATUTES

LAWS OF 1925

Chap.	Sec.		Page
22	1	Amend	241
24	1	Amend	283
69	1	Amend	28
70	1	Amend	2
71	1	Amend	262
89	1	Amend	92
102	1	Amend	215
103	6	Amend	281
107	1	Amend	76
113		Amend	384
113	1	Amend	390
121	10	Amend	366
121	11	Amend	367
121	12	Amend	368
121	14	Amend	369
121	16	Amend	370
123	1	Amend	252
124	439	Amend	3
128	1	Amend	95
135	1	Rep	126
153		Rep.	178
156	1	Amend	129
165		Rep.	178
166		Rep.	178
174		Amend	307
186	1	Amend	150
186	2	Amend	151
187		Rep.	178
188		Rep.	178

HeinOnline -- 1929 534 1929

STATUTES

LAWS OF 1927

Chap.	Sec.		Page
10		Rep.	178
14	1	Amend	110
17	1	Amend	339
19	2	Amend	151
19	3	Amend	151
19	8	Amend	356
19	13	Amend	373
54	1	Amend	64
57	12	Amend	325
57	20	Amend	104
58	12	Amend	270
59	13A	Amend	250
60	65	Amend	46
60	89	Amend	191
60	93	Amend	94
67	1	Amend	318
67	2	Amend	318
76		Rep.	129
77	1	Amend	192
85	3	Amend	322
88	1	Amend	387
89	73	Amend	334
91	1	Amend	4
98	1	Amend	59
100	1	Amend	24
100	1	Amend	230
100	2	Amend	230
100	3	Amend	231
100	4	Amend	231
100	5	Amend	231
100	6	Amend	231
100	7	Amend	231
100	8	Amend	232
100	9	Amend	232
100	10	Amend	232
100	11	Added	232
100	12	Added	232
100	13	Added	233
100	14	Added	233
102	1	Amend	30
102	2	Amend	31
105	11	Amend	253
111	1	Amend	143
116	1	Amend	23
121		Rep.	117
123	1	Rep.	351
123	2	Rep.	351
123	3	Rep.	351
123	4	Rep.	351
123	5	Rep.	351
129	1	Amend	382
132	1	Amend	211
134	1	Amend	80
136	1	Rep.	178
136	2	Rep.	178
136	3	Rep.	178
136	4	Rep.	178
136	5	Rep.	178
136	6	Rep.	178
142		Rep.	178
143	4	Amend	38
147	30	Amend	127

	Page
Intiative Measure No. 31, Laws 1927	604
Sec. 1 Amend	150
Sec. 2 Amend	151

HeinOnline -- 1929 535 1929